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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Thursday, June 17, 1971*

The Senate met at 9:45 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Come, O Lord, to Thy servants here as a gentle spirit or as a mighty rushing wind—but come. Come to us and infuse with Thy presence all we think or say or do. Come to us to make us better men strengthened to make better laws for a better nation in a world made better by our service. Remove from us and from all men the little evils which blight the spirit and lay waste life. Take away all the big sins which pollute the human scene and destroy life.

When the day is done, may we lay our tribute of work upon the eternal altar and ask that Thou wilt correct what is wrong and bless and use what is right, to the honor and glory of Thy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 17, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 575) to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

The President pro tempore signed the enrolled bill (S. 575) today.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 16, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session, to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MICRONESIAN CLAIMS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 143, House Joint Resolution 617.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read the title as follows:

Joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages rising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BURDICK. Mr. President, on June 9 the House of Representatives passed House Joint Resolution 617, which would establish a commission to hear and adjudicate claims of the citizens of Micronesia that arose during World War II and during the postwar period.

Earlier this year, on May 4, the Senate passed and sent to the House my bill, S. 860, relating to the Trust Territory of the Pacific Islands. Title II of S. 860 provides for the creation of a Micronesian Claims Commission, and for all intents and purposes is identical to the language of House Joint Resolution 617 and the proposed legislation submitted by the administration which the Interior Committee heard earlier this year, Senate Joint Resolution 35.

I might add that the Senate during the 91st Congress passed Senate Joint Resolution 211 on this same general subject, but that legislation died before final action could be taken.

The purpose of the joint resolution is to create a five-man commission to whom will be submitted the claims of the citizens of the trust territory who suffered injury during World War II and immediately thereafter. This commission would operate over a period of 3 years.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The legislation authorizes the appropriation of $5 million which is the U.S. contribution in the form of an ex gratia payment to match a similar payment by the Government of Japan. To meet the claims arising after the war, there is authorized to be appropriated a sum not to exceed $20 million.

Mr. President, for more than 25 years the people of Micronesia have been patiently awaiting the creation of a forum before which they could file their claims. This is the only area and these are the only people that have not had that opportunity. I am disappointed that the House has not taken action on S. 860, which would not only meet the claims issue but also provide for other essential legislation for the betterment of the lives of the Micronesian people. However, further delay would be extremely unfair. Therefore, I express the hope that prompt action will be taken on House Joint Resolution 617, thus clearing the measure for the signature of the President.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. I move to reconsider the vote by which the joint resolution was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 3 minutes.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE VIETNAM WAR DOCUMENTS

Mr. CURTIS. Mr. President, I respectfully petition your patience and that of my other colleagues here to allow me to speak for a few moments about a very serious problem, as I see it, concerning the Vietnam war documents that are the center of a nationwide controversy.

I have been reading a lot of information in the papers and listening to the reports and discussions about these documents on radio and television. I have not seen or had a chance to read the documents themselves. But I want to make some observations that I believe the American people have every reason to be concerned about.

I do not believe the serious problem here, either to the American people or to the Government of the United States, is the fact that the New York Times began publishing a series of articles on these documents.

I share the view of the vast majority of the people of this country that the freedom of the press to publish information about the Government of the Nation, and the decisions made by the officials of this Government, is one of our most precious freedoms. I believe this freedom alone has preserved our system of free democratic government to this time and will continue to preserve it in the future, as long as it is not abridged.

In short, I do not find fault with the New York Times; I commend the Times and all the other newspapers and newspaper men and women who are constantly digging to bring out the truth and keep it squarely before the American people.

I do find very serious fault, Mr. President, with the information classification and document security system of this country.

It concerns me very much, and it should concern every American.

Judging by what I have read and heard about these Vietnam war documents, the Government tends to stamp a "secret" or "top secret" classification on too many documents and too much information in an attempt to hide it from the public.

The classification system should never be used to cover up a lie or a documented case of public deceit by the officials of any agency of Government.

It should be used only to protect the security of our country and our people from foreign powers that would destroy us, or subvert us for the purpose of taking our Government away from the people.

But even more importantly, when a document is classified "secret" or "top secret," the American people have a right to expect it to be kept in a vault under lock and key, or under armed guard, or both. And they have every reason and right to expect that all such documents are kept on Government premises, unless the person to whom a copy is entrusted for performance of a specific duty is given custody temporarily and is instructed to return it by a certain time or date.

I find it inconceivable, Mr. President, that copies of the documents currently in controversy are scattered clear across the country, with some of the highest officials responsible for the decisions being made in our Government in connection with the Vietnam war not even aware of the existence of these documents until the New York Times began publishing its articles.

If these documents are as highly classified as the lawsuit filed by the Attorney General against the New York Times would indicate a wanton breach of security occurred within our Government at the end of the previous administration when copies of these documents were allowed to leave Government premises apparently on a permanent basis.

I do not blame the Times or anyone else outside the Government for the so-called leak that occurred. I would not be surprised if there were copies in Moscow and Hanoi. I do not see how anyone could expect to maintain the sanctity or, if you prefer, the secrecy of the information when copies of the documents were stored in such places as the private law office of a politician involved in the selection of candidates for President by one of our major political parties. I do not see how the security of the information can be protected when two copies—not one, but two—were released on a permanent basis to a large corporation that may or may not have a future use for them. I do not see how the security of the documents can be expected to be protected when one copy is sent to a presidential library where it is available to scholars or anyone else to study.

And yet this is what happened to four of the 15 "legitimate" copies of the controversial Vietnam war reports currently in the news, Mr. President. One copy is in the private law offices of Mr. Clark Clifford in downtown Washington, two are housed in the Rand Corp., and one is in the Lyndon B. Johnson Library at Austin, Tex.

I think the person or people responsible for this scattering of the so-called classified war records should be determined, if indeed these records were so highly classified.

I believe steps should be taken immediately to tighten the security precautions to see that such a breach of security does not take place again.

And in the process, I believe it would be well for a freedom-of-information committee to be set up, including prominent members from the communications media, to determine whether there is too much classification of information in the Government today simply to keep it away from the American people, in order to deny them the right to know legitimate information about the actions and activities and decisions of their Government.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

AMENDMENT TO REQUEST FOR APPROPRIATIONS FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92-20)

A communication from the President of the United States submitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1972 for the Department of Health, Education, and Welfare (with accompanying paper); to the Committee on Appropriations.

PROPOSED LEGISLATION AUTHORIZING CERTAIN NAVAL VESSEL LOANS

A letter from the Secretary of the Navy submitting proposed legislation to authorize certain naval vessel loans, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Controls Needed Over the Leasing of Land Acquired Under the Open-Space Land Program" (with accom-

panying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Progress Being Made and Difficulties Being Encountered by Credit Unions Serving Low-Income Persons" (with accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION REGARDING RECREATIONAL SMALL BOAT HARBORS

A letter from the Secretary of the Army submitting proposed legislation to provide for non-Federal operation and maintenance of recreational small boat harbors constructed by the United States (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

A resolution adopted by the Del Mar Republican Women's Club Federated, of Del Mar, Calif., praying for the restoration of freedom of the seas for vessels flying the U.S. flag; to the Committee on Commerce.

A resolution adopted by the city council of Solon, Ohio, praying for the enactment of legislation to restore the area of greater Cleveland as a bulk mail handling station for the Postal Service; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 108. A bill for the relief of Kyung Jo Min and Kyung Sook Min (Rept. No. 92–209);

S. 119. A bill for the relief of Manuela C. Bonito (Rept. No. 92–210);

S. 1489. A bill for the relief of Park Jung Ok (Rept. No. 92–211);

S. 1759. A bill for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza (Rept. No. 92–212);

H.R. 1729. An act giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States (Rept. No. 92–217); and

H.R. 3929. An act for the relief of Gheorghe Jucu and Aurelia Jucu (Rept. No. 92–218).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 60. A bill for the relief of Foo Ying Yee (Rept. No. 92–213); and

S. 361. A bill for the relief of Maria de Lourdes Moitoso Mota (Rept. No. 92–214).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 59. A bill for the relief of Ng Kwok Kwen (Rept. No. 92–215) and

S. 624. A bill for the relief of Fung Yut Ma (Mar) (Rept. No. 92–216).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 415. A bill for the relief of Mr. and Mrs. Arvel Glinz (Rept. No. 92–160).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 113. A bill for the relief of certain individuals and organizations (Rept. No. 92–174).

By Mr. BURDICK, from the Committee on the Judiciary, with amendments:

S. 161. A bill for the relief of the West Fargo Pioneer (Rept. No. 92–159).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 47. A bill for the relief of Flore Lekanof (Rept. No. 92–208);

S. 248. A bill for the relief of William D. Pender (Rept. No. 92–163);

S. 654. A bill for the relief of Frederick E. Keehn (Rept. No. 92–164);

H.R. 1890. An act for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the Estate of Charles J. Hiler (Rept. No. 92–165);

H.R. 2011. An act for the relief of Philip C. Riley and Donald F. Lane (Rept. No. 92–166);

H.R. 2036. An act for the relief of Miss Linda Ortega (Rept. No. 92–167);

H.R. 2047. An act for the relief of Marion Owen (Rept. No. 92–168);

H.R. 2132. An act for the relief of Comdr. Albert G. Berry, Jr. (Rept. No. 92–169);

H.R. 2835. An act for the relief of William E. Carroll (Rept. No. 92–170);

H.R. 3748. An act for the relief of Sgt. John E. Bourgeois (Rept. No. 92–171); and

H.R. 4327. An act for the relief of Robert L. Stevenson (Rept. No. 92–172).

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, with an amendment:

S. 504. A bill for the relief of John Borbridge, Jr. (Rept. No. 92–173).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 101. A joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day" (Rept. No. 92–161); and

H.J. Res. 556. A joint resolution providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971 (Rept. No. 92–162).

By Mr. BAYH, from the Committee on the Judiciary, with amendments:

S. 1732. A bill to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 (Rept. No. 92–220).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

S. 751. A bill to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile (Rept. No. 92–180);

S. 752. A bill to authorize the disposal of vegetable tannin extracts from the national stockpile (Rept No. 92–181);

S. 753. A bill to authorize the disposal of thorium from the supplemental stockpile (Rept. No. 92–182);

S. 754. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile (Rept. No. 92–183);

S. 755. A bill to authorize the disposal of shellac from the national stockpile (Rept. No. 92–184);

S. 756. A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile (Rept. No. 92–185);

S. 757. A bill to authorize the disposal of iridium from the national stockpile (Rept. No. 92–186);

S. 758. A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile (Rept. No. 92–187);

S. 759. A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile (Rept No. 92–188);

S. 760. A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile (Rept. No 92–189);

S. 761. A bill to authorize the disposal of diamond tools from the national stockpile (Rept No. 92–190);

S. 762. A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile (Rept No. 92–191);

S. 765. A bill to authorize the disposal of antimony from the national stockpile and the supplemental stockpile (Rept. No. 92–195);

S. 766. A bill to authorize the disposal of zinc from the national stockpile and the supplemental stockpile (Rept. No. 92–194);

S. 767 A bill to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile (Rept No. 92–193);

S. 768. A bill to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile (Rept. No. 92–192);

S. 769. A bill to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile (Rept. No. 92–196);

S. 770. A bill to authorize the disposal of columbium from the national stockpile and the supplemental stockpile (Rept. No. 92–197);

S. 771. A bill to authorize the disposal of selenium from the national stockpile and the supplemental stockpile (Rept. No. 92–198);

S. 772. A bill to authorize the disposal of celestite from the national stockpile and the supplemental stockpile (Rept. No. 92–199);

S. 774. A bill to authorize the disposal of vanadium from the national stockpile (Rept. No. 92–200);

S. 775. A bill to authorize the disposal of magnesium from the national stockpile (Rept. No. 92–201);

S. 776. A bill to authorize the disposal of abaca from the national stockpile (Rept. No. 92–202);

S. 777. A bill to authorize the disposal of sisal from the national stockpile (Rept. No. 92–203); and

S. 778. A bill to authorize the disposal of kyanite-mullite from the national stockpile (Rept. 92–204).

By Mr. CANNON, from the Committee on Armed Services, with an amendment:

S. 763. A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile (Rept. No. 92–205).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 1161. An act to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act (Rept. No. 92–219).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 129. A resolution to authorize the printing of a Senate document of a report entitled "Study Mission to Central and East Africa" (Rept. No. 92–221).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 109. A resolution authorizing special supplementary expenditures by the Committee on Banking, Housing, and Urban Affairs for an inquiry and investigation pertaining to the securities industry (Rept. No. 92–223).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 100. A resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants (Rept. No. 92–222).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 6444. An act to amend the Railroad Retirement Act of 1937 to provide a 10 per centum increase in annuities (Rept. No. 92–206).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 1545. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain (Rept. No. 92–178).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1670. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended (Rept. No. 92–207).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, with amendments:

H.R. 5257. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children (Rept. No. 92–179).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 26. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah (Rept. No. 92–155);

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 27. A bill to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah (Rept. No. 92–156);

S. 29. A bill to establish the Capitol Reef National Park in the State of Utah (Rept. No. 92–157); and

S. 30. A bill to establish the Arches National Park in the State of Utah (Rept. No. 92–158).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–175)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 48, 91st Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–176)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 240, 90th Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–177)

Mr. BAYH, from the Committee on the Judiciary, pursuant to Senate Resolution 342, 91st Congress, second session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Otto F. Otepka, of Maryland, to be a member of the Subversive Activties Control Board;

Jack M. Gordon, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana;

R. Blake West, of Louisiana, to be a U.S. district judge for the eastern district of Louisiana; and

Roy L. Stephenson, of Iowa, to be a U.S. circuit judge, eighth circuit.

By Mr. BYRD of West Virginia, for Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Merlin K. DuVal, Jr., of Arizona, to be Assistant Secretary of Health, Education, and Welfare; and

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board.

Mr. CANNON. Mr. President, from the Committee on Armed Services I report favorably the nominations of two general officers in the Army. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Maj. Gen. Carroll Hilton Dunn, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; and

Maj. Gen. Glenn David Walker, U.S. Army, to be assigned to a position of importance and responsibility designated by the President.

Mr. CANNON. Mr. President, in addition, I report favorably 530 appointments in the Army in the grade of lieutenant colonel and below; the appointment of 527 first lieutenants in the Air Force; and the appointment of 161 officers in the grade of captain and below in the Navy. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Peter D. Abler, and sundry other officers, for appointment in the Regular Air Force;

Ralph D. Pinto, and sundry other persons, for appointment in the Regular Army; and

Raymond G. Allen, and sundry other officers, for assignment in the U.S. Navy.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings on June 1, 3, and 9, 1971.)

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROTH (for himself and Mr. BOGGS):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S. 2081. A bill for the relief of Henri Borbach and his wife, Kyra Borbach. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. CRANSTON):

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leghold or steel jaw traps on animals in the United States. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance. Referred to the Committee on the District of Columbia.

By Mr. McCLELLAN (for himself and Mr. HRUSKA) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

By Mr. EASTLAND:

S. 2089. A bill to provide that a retired justice or judge shall not perform judicial duties later than 5 years after retirement; and

S. 2090. A bill to amend section 2241(d) of title 28, United States Code, so that a district court may not transfer an application for a writ of habeas corpus to another district court having concurrent jurisdiction. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. HARTKE):

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. EAGLETON:

S. 2092. A bill for the relief of Loy Shin Chong, Mui Eng Lim, and Erich Chong. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself and Mr. BOGGS):

S. 2080. A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal Government. Referred to the Committee on Finance.

INTERNATIONAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, today I am introducing legislation on a matter of longstanding concern to me. My advocacy of the principle of revenue sharing goes back to my first congressional campaign in 1966 and has continued to the present. During the last session of Congress I introduced H.R. 13353, the House version of a bill proposed in this Chamber by the distinguished Senator from Maine (Mr. MUSKIE) and former Senator Goodell of New York. This revenue-sharing plan was largely the result of excellent staff work by the Advisory Commission on Intergovernmental Relations.

I am generally gratified by the discussion and controversy which have been generated by the revenue-sharing proposals of President Nixon and those of others. I feel this way because to some extent this debate has been a wide-ranging one, highlighting a number of problems which go to the heart of our federal system. We in the Congress and the public at large have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing social problems they must face in this era of change and adjustment; and are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost? This last question is one of particular interest to me.

President Nixon's domestic program clearly addresses itself to all three of these issues. I wish to commend the President and express my approval of the general intentions of his general revenue sharing, special revenue sharing, and executive reorganization bills. The reforms which they propose need not divide us on partisan or ideological grounds. Regardless of the number of functions one would ideally assign to government, most of us would like to see those currently performed by it handled in the most efficient fashion possible. Revenue sharing has received support from both the present Republican and the past Democratic administration. Similarly, we have seen numerous bills on this topic introduced into Congress by prominent Members of both parties.

I endorse the overall intent of the administration's revenue-sharing bill, S. 680, which I was privileged to cosponsor. I believe, however, that it may be strengthened in several areas.

For example, I think we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the Central Government. It would be preferable I think to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operation are also constructive goals we should strive for through this legislation. If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be elfminated. If one really believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of government which spends revenues should under normal circumstances be the same one which must justify their collection to the people.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think for example, that we can continue the tendency of the present system of categorical grants to redistribute revenues away from the higher income urban States of the East and Middle West to the lower income rural States of the South and West. Charts 1, 2, and 3 which I am introducing into the RECORD, at the conclusion of my remarks, provide support for these contentions. I do not intend here to reject all Federal programs which redistribute resources among States. I simply argue that if we currently face an urban crisis, we should put more Federal money into the States with the large center cities.

In an effort to provide stronger general revenue-sharing legislation in these areas, I am submitting a bill which I believe more fully meets the great challenges faced by our federal system today. This bill has two basic purposes: First, to funnel significant amounts of money to those areas where it is most needed, our urban centers; and, second, to encourage States and local governmental units to improve their own tax-raising capabilities in order to enable them to shoulder more of the burden of governmental services.

The first element of my proposal, like the administration bill, would allocate 1.3 percent of total taxable income reported on Federal individual income tax returns for use by State and local governments. This would amount to about $5 billion during the first year and would reflect changes in the Federal personal income tax collections in future years. Under title I of my bill, the Secretary of the Treasury would for a period of 5 years turn over to each State the portion of the total revenue-sharing fund which was derived from that State. The States, in turn, would be required to pass through certain amounts of these funds directly to specified metropolitan areas, thereby guaranteeing that the money is quickly directed to where the need lies.

The bill has a built-in termination date; the general revenue-sharing feature of the legislation ends in 5 years, with the amount of money available to the States and local governments cut in half in the fifth and final year.

There are two reasons for including a closeout day in the bill. First, it puts the States and local governments on notice that they will not have available an endless Federal Government program for providing revenues to them for local use; second, it gives them both the time and the means for revising local taxing structures so that they will be able to assume the burden of providing local government services themselves by the end of the 5-year period.

At the same time the general revenue-sharing feature of the bill is being phased out, a tax credit feature will take effect. Under this provision of the bill, a taxpayer may elect to take as a credit against his Federal income tax payment 40 percent of certain local and State income taxes which he has paid. It is hoped that this provision will stimulate the States and local governments to improve their revenue-gathering efforts, thereby retaining the principle that the governmental unit which has the power to spend tax money should have the responsibility for raising it.

As I stated earlier, revenues in the amount of approximately $5 billion a year would be made available to the States under title I. The States would be limited in the use of these new revenues only by the requirements of passing a portion of them on to certain metropolitan areas; of making use of reasonable fiscal and accounting procedures; of providing reports and other information regarding their use; of following a nondiscriminatory policy; and of enforcing fiscal, accounting, and reporting standards on their political subdivisions. The number of strings attached to these funds have been kept at a minimum so as to encourage State and local governments to determine their own priorities and use these funds accordingly.

To further encourage initiative at the non-Federal level, the bill permits States to avoid the pass-through requirements contained in the bill by devising alternatives which meet with the approval of cities whose shares are guaranteed.

I should emphasize that not all the funds allotted to the States will be automatically passed through to designated metropolitan areas. Each State will retain a sizable portion of the funds for its own use after required amounts are made available to the larger cities.

The pass-through provision of the bill would apply to all cities with populations of 50,000 or more. Those of 50,000 or more would receive revenues at least equal to that city's percentage of the State's population. Cities of 75,000 population or larger which are located in standard metropolitan areas of 500,000 or more would be entitled to a share at least equal to 1.25 times that city's percentage of the State's population. Thus, the larger metropolitan cities, where the need is greatest, would receive a higher percentage of the automatically allocated revenues. While distribution solely on the basis of population would improve the lot of the center cities, it is quite likely that without the multiplier provided in this bill they would not receive aid in proportion to their fiscal difficulties.

Under my plan, New York City would receive approximately $329,000,000 as compared to $189,000,000 under the administration bill. Los Angeles would receive about $99.2 million rather than $34.7 million, Chicago almost $135,000,000 rather than $47.6 million, Boston nearly $33,000,000 as opposed to $10.7 million, and Atlanta close to $11,000,000 rather than $7.6 million. One can go down the list of large center cities appearing in chart 4 and find that almost all of them obtain similar advantages from the revenue-sharing provisions of the Intergovernmental Revenue Adjustment Act as compared to the administration's proposal.

My intention here is not to argue that no one except the Governors of populous urban States and the mayors of big cities are having trouble making ends meet. For instance, there can be no question that some of the most serious problems of poverty, unemployment, pollution, and lack of social services exist in our rural areas. Nevertheless, the statistics so painstakingly collected by the Advisory Commission on Intergovernmental Relations for their reports "Fiscal Balance in the American Federal System" and "Urban and Rural America: Policies for Future Growth" and by the National Commission on Urban Problems for its final report, persuade me that center cities do need special attention under any revenue-sharing system.

Chart 5 lists some of the specific reasons why the fiscal problems of our larger center cities are of a disproportionate magnitude, especially compared to their surrounding suburbs. Loss of tax base, tax rates which are relatively burdensome at present, diseconomies of scale, the costs of providing services to nonresidents, and the public expenses resulting from the presence of "high cost" citizens and serious social problems are among these factors contributing to the fiscal crisis in the larger center cities.

Smaller cities, suburbs, and rural areas could expect a share of new revenues to be allotted to them by the States if the bill I am offering were to become law. To some extent the presently operating system of categorical grants redistributes money away from the wealthy urban States to the lower income rural States, as chart 1 points out. Similarly, chart 3, taken from the special analyses of the 1972 budget, shows that the populous Northeastern and Middle Western States now receive absolutely less Federal aid per capita than do the States of other regions. These categorical grants according to the Advisory Commission on Intergovernmental Relations, are also less readily available for activities upon which the larger cities spend greater amounts of money. Thus, by favoring urban States and metropolitan cities, this bill could be said to be, among other things, compensating for the impact of the present aid system. The list of States which would be "gainers" as a result of the mode of distribution which it provides appear on chart 2. Such great urban States as New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Ohio, and Illinois are among these.

While we may need to provide temporary relief to States and localities through designating Federal revenues for their use, a true revitalization of decentralized government will come only when these State and local governments modernize their financial and governmental structures. If they were to take serious steps in this direction, they could then undertake on their own many of the services demanded by their citizens which are now handled in Washington.

According to a report issued by the Advisory Commission on Intergovernmental Relations in 1969, only 18 percent of State tax collections and hardly any local collections were derived from individual income taxes. The income tax is not only more equitable or progressive than the other modes of State and local taxation in the distribution of its burden on the taxpayer, but it is "elastic" in that its yield expands as our economy and need for public service grow.

In an attempt to strengthen the fiscal base of American federalism, I am proposing in title II of this bill that taxpayers, as an alternative to the present deduction for State and local taxes, be allowed a 40-percent credit on income taxes paid to State and local governments. Many of the elements of title II were found in H.R. 13353, the Advisory Commission on Intergovernmental Relation's bill, which I introduced into the House last session. In order to discourage the continued use of inelastic State and local taxes, an income tax to be credited against one's Federal tax bill would have to allow the minimal personal deductions provided in the Internal Revenue Code of 1954.

The 40-percent credit would allow the average taxpayer considerably more Federal tax relief than the present deduction. It would also be available to all, rather than just those who itemized their returns. High-income taxpayers could still avail themselves of the current deductions if it offered them more relief. It is assumed that State and local legislators could more easily justify the use of personal income taxes to their citizens if these citizens could credit part of these taxes against their Federal tax bills. Not only would States and localities thus modernize their tax structures, but they would also come in for a larger share of all governmental revenues.

Title II of the bill, which provides the partial tax credit, would apply to taxable years beginning after December 31, 1975. Since the general revenue-sharing portion of the bill is not phased out until the end of fiscal year 1977—or June 30, 1977—there would be an overlap of these two features of 1½ years. It should be remembered, however, that in the fifth and final year of the general revenue-sharing portion of the bill, the percentage of Federal revenues allocated will be one-half that in effect during the first 4 years.

In other words, the bill provides that during fiscal years 1973, 1974, 1975 and 1976, 1.3 percent of total taxable income reported on Federal personal income tax returns would be available for general revenue sharing. For fiscal year 1977, the percentage would be cut to 65 percent. But by that time, the 40-percent tax credit would have become effective, thereby permitting a lessening of dependence on the Federal grant at the same time the States and localities are able to take advantage of the tax break the Federal credit affords their citizens.

Assuming such credits had become law in 1970, the ACIR estimates that after 3 years approximately $7.2 billion would be gained at the non-Federal level, while the National Government would suffer a loss of about $5.1 billion.

A further incentive to improve the revenue-gathering procedures of States and localities is provided by title II of the bill. This title authorizes the Treasury Department to enter into negotiations with the chief executive officer of any State or political subdivision to have a certain percentage of the Federal income tax collected without charge by the Internal Revenue Service and turned over to the local or State government. Since the tax-collecting machinery of the Federal Government is considered to be more efficient than many State or local tax-collecting agencies, it would thus be used to buttress the independence of those governments which are closer to the people. This title might also lead to considerable savings on the part of State and local governments.

Besides attending to the needs of a vigorous federal system and helping to meet the current crisis in our cities, this bill, like that of the President, would indirectly contribute to the reform of the system of Federal categorical grants. By expanding the revenue capacity of States, cities, and counties, and by providing temporary block grants to them, the role of encumbered categorical grants from Washington would decline.

As a result, we might hope that to some extent the disadvantages of this form of intergovernmental aid would be avoided. The informational difficulties faced by the users of aid, the effect of matching requirements on State and local priorities; and the often irrational patterns of distribution are among the deficiencies of the present domestic aid system which are of special concern to me.

Even after enactment of revenue-sharing and tax credits for State-local income taxes, a vast array of categorical grants would still exist. There are certain needs which are best met by national programs of this sort. As a consequence,

we should continue to give attention to various other grant reforms such as, grant consolidation, joint funding simplification; improvements in informational services available to grant users; and the strengthening of grant review, oversight, and financial management.

The growing interest in some form of revenue-sharing, executive reorganization, and grant reforms results from a feeling on the part of many that we should stand back and take a look at the relationships between governmental structure and policy. Often we have acted as though there is no interrelationship between the two. We have legislated social goals and assumed that they would be automatically reached with no bad side effects. Yet, the current state of our governmental machinery has a great deal to do with whether and how these goals are met. Perhaps we can make adjustments in current practices which will allow us to preserve our old values of decentralized government while at the same time better executing the new tasks we have given to our governments.

Mr. President, I ask unanimous consent that the tables to which I have referred be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATIVE BILL, AND PRESENT AID SYSTEM[1]

State and region	S. 2080 share	Percent of United States	Administration share[3]	Percent of United States	Ratio of percent of Federal aid to percent of Federal taxes[4]
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	100/100=1
New England	351,800,000	7.016	266,000,000	5.320	[5] 1.150
Maine	17,900,000	.358	23,000,000	.460	1.200
New Hampshire	17,100,000	.342	15,000,000	.300	.880
Vermont	8,400,000	.219	12,000,000	.240	2.240
Massachusetts	164,500,000	3.290	136,000,000	2.720	.830
Rhode Island	24,800,000	.495	21,000,000	.420	.970
Connecticut	119,100,000	2.382	59,000,000	1.180	.521
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	[5] .995
New York	612,200,000	12.245	534,000,000	10.680	.842
New Jersey	225,700,000	4.514	154,000,000	3.080	.510
Pennsylvania	298,800,000	5.977	246,000,000	4.920	.790
Delaware	17,400,000	.349	13,500,000	.270	.602
Maryland	120,600,000	2.412	92,500,000	1.850	.610
District of Columbia	22,600,000	.452	23,000,000	.460	2.640
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	[5] .755
Michigan	247,000,000	4.940	229,000,000	4.580	.752
Ohio	284,800,000	5.695	212,500,000	4.250	.690
Indiana	123,900,000	2.478	116,000,000	2.320	.740
Illinois	358,800,000	7.176	220,000,000	4.400	.719
Wisconsin	97,600,000	1.952	124,500,000	2.490	.873
Plains	331,800,000	6.636	411,000,000	8.022	[5] 1.448
Minnesota	78,200,000	1.564	107,500,000	2.150	1.182
Iowa	56,200,000	1.123	74,500,000	1.490	1.005
Missouri	105,800,000	2.117	96,500,000	1.930	.959
North Dakota	7,900,000	.158	20,500,000	.410	2.400
South Dakota	9,200,000	.185	19,000,000	.380	2.500
Nebraska	28,000,000	.560	39,000,000	.780	1.100
Kansas	46,500,000	.930	54,000,000	1.080	1.040
Southeast	$758,100,000	15.160	$1,044,000,000	20.880	[5] 1.586
Virginia	99,300,000	1.986	104,500,000	2.090	.940
West Virginia	29,500,000	.590	41,500,000	.830	2.100
Kentucky	50,200,000	1.003	78,000,000	1.560	2.110
Tennessee	70,200,000	1.403	87,000	1.740	1.300
North Carolina	83,000,000	1.661	113,500,000	2.270	1.110
South Carolina	37,004,000	.748	56,500,000	1.130	1.300
Georgia	81,000,000	1.621	107,500,000	2.150	1.402
Florida	146,000,000	2.921	167,500,000	3.350	.750
Alabama	50,000,000	1.000	82,000,000	1,640	1.900
Mississippi	24,500,000	.490	61,500,000	1.230	2.400
Louisiana	62,000,000	1.240	101,500,000	2.030	1.800
Arkansas	25,000,000	.500	43,000,000	.860	2.140
Southwest	329,900,000	6.598	390,000,000	7.800	[5] 1.901
Oklahoma	43,800,000	.875	63,500,000	1.270	2.100
Texas	237,900,000	4.758	243,000,000	4.860	.963
New Mexico	15,500,000	.310	32,000,000	.640	3.100
Arizona	32,700,000	.654	51,500,000	1.030	1.500
Rocky Mountain	92,000,000	1.840	139,000,000	2.780	[5] 2.200
Montana	10,800,000	.217	19,000,000	.380	2.300
Idaho	11,200,000	.223	20,000,000	.400	1.710
Wyoming	6,600,000	.131	11,500,000	.230	3.400
Colorado	46,200,000	.925	60,000,000	1.200	1.400
Utah	17,200,000	.345	28,500,000	.570	2.300
Far West	700,900,000	14.018	753,000,000	15.060	1.802
Washington	90,400,000	1.807	92,000,000	1.840	1.020
Oregon	45,700,000	.914	57,000,000	1.140	1.400
Nevada	15,800,000	.315	14,000,000	.280	1.200
California	549,000,000	10,981	590,000,000	11.800	1.300
Alaska	6,800,000	.137	8,500,000	.170	4.230
Hawaii	19,000,000	.379	23,500,000	.470	1.741

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.
[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.
[3] Based on population and revenue effort.
[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for fiscal year 1968.
[5] Average.

CHART 2.—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S. 2080) than under population-revenue-effort formula (administration)*[1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.

Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.

Great Lakes: Michigan, Ohio, Indiana, Illinois.

Plains: Missouri.

Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969[1]

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
New England	1,173	101.93	17.9
Mideast	4,113	97.01	15.2
Great Lakes	2,989	74.92	14.0
Plains	1,511	93.40	17.0
Southeast	4,530	107.21	22.8
Southwest	1,714	116.33	21.2
Rocky Mountain	665	136.30	23.3
Far West	3,043	115.25	14.9
United States	20,287	100.47	17.4

[1] Found in Special Analyses of the 1972 Budget, p. 240.

[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan
Alabama: Birmingham	$5,437,500	$3,531,004
Arizona: Phoenix	13,364,875	6,360,085
California:		
Anaheim	5,490,000	1,390,130
Garden Grove	4,117,500	530,287
Los Angeles	99,261,250	34,721,456
Riverside	$4,792,500	$962,580
Sacramento	8,921,250	3,179,135
San Bernardino	3,431,250	1,127,197
San Diego	24,018,750	6,382,633
San Francisco	24,705,000	23,954,600
San Jose	15,783,750	3,452,094
Santa Ana	5,490,000	967,647
Colorado: Denver	13,686,750	10,527,896
Connecticut: Hartford	7,741,500	2,322,391
Delaware: Wilmington	3,197,250	1,823,650
District of Columbia	28,250,000	22,915,149
Florida:		
Fort Lauderdale	3,832,500	1,981,867
Hollywood	2,920,000	968,786
Jacksonville	14,235,000	2,859,870
Miami	8,937,500	4,617,813
St. Petersburg	5,837,500	4,276,375
Tampa	7,482,500	3,981,297
Georgia: Atlanta	10,935,000	7,647,341
Hawaii: Honolulu	9,975,000	4,917,712
Illinois: Chicago	134,998,500	47,601,259
Indiana:		
Gary	5,265,750	1,848,739
Hammond	3,407,250	1,045,054
Indianapolis	22,302,000	5,612,259
Kentucky: Louisville	7,028,000	8,661,641
Louisiana: New Orleans	12,710,000	9,907,090
Maryland: Baltimore	34,974,000	14,285,058
Massachusetts:		
Boston	32,907,500	10,700,523
Springfield	5,963,125	2,191,749

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN—Continued

State, city	Intergovernmental Revenue Adjustment Act of 1971 [1]	Administration plan
Michigan:		
Detroit	$46,621,250	$24,901,847
Grand Rapids	7,101,250	2,215,551
Minnesota:		
Minneapolis	11,143,500	5,143,400
St. Paul	7,917,750	3,734,244
Missouri:		
Kansas City	14,283,000	9,1 4,435
St. Louis	17,721,600	15,120,157
Nebraska: Omaha	8,190,000	3,459,983
New Jersey:		
Clifton	3,103,375	1,000,362
Jersey City	10,156,500	4,246,309
Newark	14,952,625	7,551,318
Paterson	5,642,500	1,928,007
North Carolina: Winston-Salem	2,697,500	1,036,C46
New York:		
Albany	4,821,075	1,100,900
Buffalo	19,896,500	4,846,479
New York City	329,057,500	189,348,578
Rochester	12,244,000	3,341,859
Syracuse	5,356,750	2,338,845
Schenectady	3,290,575	571,380
Ohio:		
Akron	$10,093,000	$4,421,170
Cincinnati	15,664,000	13,508,542
Cleveland	25,276,000	11,227,393
Columbus	18,156,000	5,225,749
Dayton	8,188,000	4,124,377
Youngstown	4,984,000	1,547,709
Oklahoma: Oklahoma City	7,165,000	4,554,222
Oregon: Portland	10,625,250	7,928,286
Pennsylvania:		
Allentown	3,361,500	940,735
Philadelphia	60,252,500	39,781,536
Pittsburgh	16,434,000	7,433,529
Rhode Island: Providence	5,828,000	2,243,861
Tennessee:		
Memphis	13,952,250	5,408,621
Nashville-Davidson	10,003,500	5,732,847
Texas:		
Dallas	22,005,750	10,557,412
Fort Worth	10,408,125	4,658,714
Houston	36,577,125	12,953,581
San Antonio	17,247,750	4,685,184
Utah: Salt Lake City	3,547,500	2,547,835
Virginia:		
Norfolk	8,192,250	3,805,469
Portsmouth	2,979,000	1,055,155
Richmond	6,702,750	3,510,825
Washington: Seattle	17,628,000	8,820,093
Wisconsin: Milwaukee	19,764,000	7,942,274
Total for United States	5,000,000,000	5,000,000,000

[1] Calculated from the Advance Reports, 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970; statistics made available by the Advisory Commission on Intergovernmental Relations.
[2] From Department of the Treasury, General Revenue Sharing, February 1971.

CHART 5.—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.
2. Tax rates which are already more burdensome than elsewhere.
3. Relatively greater expenses in areas not aided by Federal and state governments.
4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.
5. Necessity of providing services for nonresident, often non-taxpaying, commuters.
6. Increasing proportions of "high cost" citizens—the poor, aged, etc.
7. Social conditions which lead to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

CHART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these taxpayments]

[In billions of dollars]

Hypothetical conditions	1st year, 1970				2d year, 1971				3d year, 1972			
	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone [1]		State-local revenue gain
		Total	Due to credit			Total	Due to credit			Total	Due to credit	
1. No change in present law (deduction of State-local income tax payments)	8.5	1.9			10.0	2.2			12.0	2.6		
2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections) [2]	9.4	3.1	1.2 (1.1)	0.9	11.5	3.8	1.6 (1.5)	1.5	15.0	5.0	2.4 (2.2)	3.0
3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections) [3]	10.6	4.5	2.6 (2.5)	2.1	14.0	5.9	3.7 (3.5)	4.0	19.2	8.1	5.5 (5.1)	7.2
4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections) [4]	13.6	6.9	5.0 (4.7)	5.1	20.0	10.2	8.0 (7.4)	10.0	30.0	15.3	12.7 (11.7)	18.0

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-percent credit—42 percent; 50-percent credit—51 percent.
[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.
[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.
[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

By Mr. WILLIAMS (for himself and Mr. CRANSTON):

S. 2082. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program. Referred to the Committee on Labor and Public Welfare.

MOBILE TEACHERS' RETIREMENT ASISSTANCE ACT

Mr. WILLIAMS. Mr. President, I am today introducing the Mobile Teachers' Retirement Assistance Act of 1971.

Over the past decade, the Congress has shown its interest and responsibility in improving education by the many Federal programs now in operation. No less important on our agenda should be an effort to provide a solution of a long-standing problem that has prevented the growth of a truly mobile teaching force to meet the critical problems of today's education; namely, the loss of retirement credits by teachers who move from one State to another. At present, a great many teachers who move in their professional pursuits to other States where there is a demand for their services must do so at the price of sacrificing hard-earned retirement rights. The retirement benefits and financial security they acquired and earned for their dedicated work are forfeited by their move. The Congress must assist our active public school and college teachers to realize the basic right to make provision for the time they retire from the teaching profession. This dedicated and unselfish professional group, like all other workers, must also be able to look to their retirement years with some degree of certainty that they will be able to meet their basic life needs.

As increasing numbers of teachers come to retirement with inadequate resources to meet their daily needs, their plight creates a deterrent to the aspiring youth who choose a career in teaching. Additionally, areas in need of teachers are deprived because of the reluctance of qualified teachers to forfeit earned retirement credits.

The purpose of this bill is to strengthen the profession by providing adequate retirement benefits to those teachers who move from one State to another. It seems to me only equitable to extend to teach-

ers who move from State to State the same opportunity for their future retirement as their colleagues who remain with a single school system enjoy during their working years.

The loss of this retirement credit comes about for two reasons: The State which a teacher leaves may not allow for early vesting of retirement rights, and the State where a teacher relocates may not grant retirement credit for years of teaching service performed outside its jurisdiction.

This legislation would provide one approach to resolving the problem. It would establish a Federal-State program to assist in the funding of these benefits for public school teachers. The two major provisions of the bill would enable teachers who have taught in two or more States to retire at the end of their careers with benefits substantially the same as they would have received by teaching in a single State for their entire careers.

It would provide Federal funds to aid in the financing of recognized out-of-State service credit, and to supplement deferred vested benefits. In order to qualify for Federal funds, participating States must: First, permit teachers to purchase at least 10 years of out-of-State public school teaching service not vested elsewhere, whereby the teacher and the employer share in the cost; and second, provide for vesting of retirement rights after not more than 5 years of service in the retirement system.

The strongest impediment to necessary mobility of the teaching profession would be removed by the sharing of cost in purchasing out-of-State credit and the security resulting from early vesting for deferred benefits. The college teacher in a public college who wishes to cross State lines to accept a special research function in another State college, today is unwilling to incur the penalty of forfeiture of benefits. Without the provisions just outlined, he may be forced to reject the offer or lose his retirement rights in accepting it. The need for specialized teachers or administrators in our deprived urban and rural areas is a problem of deep national concern which, without solution, will retard our educational growth.

Many of our fine State retirement systems have made attempts toward alleviating this problem, but the State-based nature of American education and the limited funds available have not permitted the States to make any great strides in this direction. Some States utilize the basic concept of out-of-State credit; however, I am informed that in nearly all cases, the teacher must pay the employer's share, his own share, and an interest fee, which taken together are usually financially beyond the limits of the teacher's income.

It should be noted that in any State where an attempt is made to preserve the retirement credits for mobile teachers, the methods utilized are representative of the provisions in this bill. The teacher retirement administrators throughout the country have supported these concepts for nearly a quarter of a century. However, the States, and rightly so, realize that their primary commitment is to utilize their financial resources for improving education within their own boundaries. Therefore, it seems both fitting and proper that the Federal Government lend some assistance to the States in solving this important interstate problem.

The cost to the Federal Government to accomplish the objectives of this bill is modest in view of the benefit to education. And there is an even greater benefit: the new horizons of educational opportunities which this bill makes available to youth who would have the advantage of the mobile teacher. I think my colleagues will agree that action must be taken to enhance the present educational opportunities of our youth and eliminate a future social problem by permitting teachers to prepare for retirement during their active employment years.

Mr. President, as my colleagues know, the Senate Subcommittee on Labor is currently conducting a comprehensive investigation and study of welfare and pension funds pursuant to Senate Resolution 35. I believe that this bill, which has the backing of the National Education Association, could provide a reasonable basis for helping to assure that there is a truly mobile teaching force in the United States. It represents an approach which I feel is well worth considering along with other approaches which we may find appropriate in the course of the pension study. No matter what the technique the Congress decides is best, however, I must emphasize that definitive action is required for us to continue to expand our commitment to quality education for all Americans.

Mr. President, I ask unanimous consent to have printed at this point in the CONGRESSIONAL RECORD the bill which I have just introduced and the table showing the current status of vesting and out-of-State credit provisions in the State retirement systems to which teachers belong.

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 2082

A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "State retirement system" means a State retirement system established under State law, or a local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "vesting" means a right of a teacher who separates from covered employment after having at least the minimum years of credited service required under the State retirement system and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

(5) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system or institution, or a school or institution of higher education which is tax-supported.

(6) The term "out-of-State service" means public teaching service performed in another State and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(7) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(8) The term "Commissioner" means the Commissioner of Education.

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(d) and of supplemental benefits as required in section 5(c),

(2) allow covered teachers at least 10 years of credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher of a portion of the cost involved and payment from public funds of the remainder,

(3) allow a reasonable period after the State retirement system becomes eligible to participate in the program provided for in this Act within which a covered teacher may make the payment referred to in paragraph (2), in order to become entitled to such credit,

(4) provides for vesting after not more than five years of credited service in the State retirement system, and

(5) provides for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such report.

(b) If the Commissioner determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Commissioner shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other twelve-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 40 per centum of the product obtained by multiplying the level of teachers' salaries (determined under subsection (b)) by the benefit cost factor (determined under subsection (c)).

(b) The level of teachers' salaries shall be deemed to be the salary which is the seventy-fifth percentile of a distribution of the salaries paid to teachers who are classroom teachers in public elementary and secondary schools in all the States, as determined by the Commissioner on the basis of the most reliable data available to him for the preceding school year.

(c) The benefit, cost factor shall be an amount equal to 2 per centum of the present value of payments of one annually for

life, determined on the basis of the life expectancy of teachers in the States at age sixty-five and an assumed rate of interest (determined by the Commissioner).

(d) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

DEFERRED BENEFIT PROVISIONS

SEC. 5. (a) The Commissioner shall, as soon as practicable after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher in the membership of the system who, during the fiscal year (or other twelve-month period designated by the system) which ended during such calendar year, became entitled to payment of a vested deferred benefit. The Federal contribution on account of each year for which each such teacher is receiving a vested deferred benefit shall be an amount equal to the product obtained by multiplying the difference between the average teacher's salary in the preceding fiscal year and the average teacher's salary in the tenth preceding fiscal year (determined under subsection (b)) by the benefit cost factor (determined under subsection (c) of section 4).

(b) The average teachers' salaries, for purposes of subsection (a), shall be the average salary for the year in question of teachers in all the States, determined by the Commissioner on the basis of most reliable data available to him for such year.

(c) Each participating State retirement system shall supplement the retirement benefits which such system pays a covered teacher who is receiving a deferred vested benefit and who meets the requirements of subsection (d) by an annual amount equal to the product obtained by multiplying the following factors:

(1) The annual retirement benefit to which the covered teacher is entitled before the supplement required by this section.

(2) The number of years between the covered teacher's separation from teaching service which is credited under the State retirement system in question and his retirement, but in no event shall such number of years be more than ten.

(3) The average annual increase in the average teachers' salaries, for the State or all the States, whichever is the lesser (determined as provided in (b)), during the ten-year period referred to in subsection (a).

(d) To be entitled to the supplemental benefit, the covered teacher must have performed public teaching service for a total of twenty years or for a total of five years during the ten-year period immediately preceding the date payment of the deferred vested benefit began.

COST OF ADMINISTRATION

SEC. 6. The Commissioner shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 5 per centum of the Federal contribution made under sections 4 and 5.

EFFECTIVE DATE

SEC. 7. This Act shall become effective July 1, 1971, with respect to teachers who retire after such date.

TABLE I.—VESTING PROVISIONS AND MAXIMUM OUT-OF-STATE SERVICE IN STATE AND LOCAL RETIREMENT SYSTEMS TO WHICH TEACHERS BELONG

Retirement system	Type of membership [1]	Years of service and/or age requirements for vesting [2]	Maximum years of out-of-State service creditable
(1)	(2)	(3)	(4)
1. STATEWIDE RETIREMENT SYSTEMS			
Alabama	T	(a) 15 years at any age; (b) 10 years if in service at age 55.	None.
Alaska [3]	T	10 years	10 years.
Arizona	P	5 years	None.
Arkansas	T	(a) 20 years at any age; (b) 10 years, age 60.	10 years.
California [3]	T	5 years	None.
Colorado [3]	P	do	Do.
Connecticut [3]	T	10 years	10 years (reciprocal).
Delaware	P	20 years	None (4 years may be counted toward 30 years' service retirement requirement).
Florida [4]	P	10 years	None.
Georiga	T	20 years	10 years (reciprocal).
Hawaii	P	5 years	None.
Idaho	P	10 years	Do.
Illinois [3]	T	5 years	10 years.
Indiana	T	(a) 15 years' service and age 50; (b) 10 years at age 65.	8 years (limit may be exceeded under certain circumstances).
Iowa	P	(a) 8 years; (b) age 55 regardless of years of service.	None.
Kansas	P	10 years	Do.
Kentucky [3]	T	5 years	8 years.
Louisiana [3]	T	(a) 20 years; (b) 10 years if teacher withdraws to enter public-school teaching in another State.	None.
Maine [3]	P	10 years	10 years.
Maryland	T	15 years	5 years.
Massachusetts [3]	T	(a) 20 years; (b) 6 years if position is abolished or the teacher not re-employed.	10 years.
Michigan	S	(a) 25 years; (b) 10 years and age 50.	15 years.
Minnesota	T	10 years	None.
Mississippi	P	(a) 20 years for full vesting; (b) 16 years for partial vesting.	Do.
Missouri	T	20 years	10 years.
Montana	T	5 years	5 years.
Nebraska	S	5 years	10 years.
Nevada	P	(a) 20 years for full vesting; (b) 15 years with partial benefit.	None.
New Hampshire	P	15 years	Do.
New Jersey	T	do	10 years.
New Mexico	S	5 years	5 years.
New York	T	10 years	10 years.
North Carolina	P	12 years	None.
North Dakota	T	No vesting	Unlimited.
Ohio	T	5 years	None (unlimited credit allowed to meet the eligibility requirements for retirement in Ohio).
Oklahoma	S	20 years	5 years.
Oregon	P	5 years	None.
Pennsylvania	S	10 years	12 years.
Rhode Island	P	do	5 years.
South Carolina	P	15 years	Unlimited.
South Dakota	T	10 years	None.
Tennessee	T	(a) 10 years; (b) 4 years for college and university faculty members.	Do.
Texas	S	10 years	10 years.
Utah	P	No vesting	None.
Vermont	T	15 years	None (10 years toward 15-year eligibility for disability retirement).
Virginia	P	5 years	None.
Washington	T	do	Do.
West Virginia	S	20 years	Varies; on same terms as other States provide credit for West Virginia public school service.
Wisconsin	T	Immediate	None for members of combined group (with social security); out-of-State credit available to some separate group members under certain circumstances.
Wyoming	P	4 years	None.
Puerto Rico	T	10 years	Do.
2. LOCAL RETIREMENT SYSTEMS			
California:			
Los Angeles	T	5 years	Do.
San Francisco	P	(a) 10 years; (b) if accumulated contributions exceed $1,000.	Do.
Colorado: Denver	S	10 years	Do.
District of Columbia: Washington.	T	5 years	10 years.
Illinois: Chicago	T	(a) 20 years; (b) 10 years and age 55.	Do.
Iowa: Des Moines	T	20 years and age 45	None.
Maryland: Baltimore	P	No vesting	Do.
Michigan: Detroit	S	(a) 15 years' continuous service and age 50; (b) 25 years, with last 10 years continuous; (c) 15 years' continuous service and subsequent retirement from another public agency.	10 years; 15 years if service is in Michigan.
Minnesota:			
Duluth	T	No vesting	None.
Minneapolis	T	7 years	Do.
St. Paul	T	10 years	5 years.
Missouri:			
Kansas City	S	5 years and age 40	None.
St. Louis	S	5 years	Do.
Nebraska: Omaha	S	20 years	5 years.
New York: New York City	T	15 years	15 years.
Oregon: Portland	T	5 years	None.
Tennessee: Knoxville	P	15 years	Do.
Wisconsin: Milwaukee	T	Immediate	Do.

[1] In this column, T = teachers and professional school employees only; S = all school employees; P = teachers and other public employees.

[2] The requirements listed are other than those needed for early retirement. No social security coverage.

[4] In December 1970, Florida consolidated its retirement systems. All new teachers will become members of this system and will automatically be covered by social security. Teachers under the old system had the opportunity to elect coverage in the new system and with it social security coverage.

By Mr. BAYH:

S. 2083. A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes; and

S. 2084. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States. Referred to the Commitee on Commerce.

TWO BILLS

Mr. BAYH. Mr. President, Today, I wish to introduce two interrelated bills both aimed at a serious reduction in man's brutality toward wildlife. One bill, which would be known as the "Antipoison Act of 1971," would totally ban the use of poisons to kill wildlife on the public lands of the United States, as well as ban the interstate commerce in two particularly devastating poisons now widely used. The other piece of legislation would ban the use of leg-hold or steel jaw traps.

THE ANTIPOISONING ACT OF 1971

The federal government program to "control" predators began in earnest some 55 years ago. It is almost impossible to estimate the magnitude of the total destruction of numerous species of wild animals in the intervening decades. Untold millions of animals, ranging from the stately mountain lion to the lowly prairie dog, have been wiped out. In certain parts of the West, almost all wildlife has been completely eliminated by actions of our Government.

The animals and birds which have been destroyed in such huge numbers are all a part of our national heritage. Yet, they are disappearing at a truly astonishing rate.

Back in 1915 when the program started, the purpose was to aid cattlemen and sheepmen whose animals were being preyed upon by predators, primarily wolves and coyotes. The Federal exterminators have done such a thorough job that they have completely eliminated predators from large parts of our public lands. As a result of this ruthless program, smaller animals which were the normal prey of the predators have had a population explosion. There are now hundreds of millions of rabbits and various rodents, whose normal population was kept in check by the wolves, coyotes and other predators. Now the Federal exterminators have gone after these smaller animals with a equal vengeance. Tons of grain, which have been soaked in the most horrible poisons, are sown to rid the public lands of this new "menace."

Much publicity has been given recently to the fate of the black-footed ferret, an animal which is literally on the verge of extinction. These animals live with and feed almost exclusively on prairie dogs. As the prairie dogs are poisoned by the millions, the ferrets disappear at the same time because their food has been poisoned and wiped out.

What history has shown is that the use of massive poisoning programs creates drastic imbalances in nature. In a futile attempt to correct one imbalance, poison is used in a larger and more lethal program. It is truly a vicious circle. As soon as the Department of the Interior gets rid of one type of animal, it feels forced to go after another.

As horrible as the direct and intended purposes of these programs may be, the indirect and unintended results can be equally horrible. Much publicity has been given recently to the deaths of a number of rare species of eagles. It is especially ironic that we have all but exterminated the bald eagle, our national symbol. These deaths deserve very special attention. Yet, they are only one example in a multitude of cases of deaths of carrion-eating birds such as hawks, buzzards, ravens, and the rare California condor. These animals die in untold numbers in two ways: they either eat the poisoned meat which has been set out for predators, or are indirectly poisoned from eating the bodies of other animals which have been killed by the poisons.

The poison commonly used by the Department of the Interior is sodium fluoroacetate, commonly known as "Poison 1080." This is a slow degrading poison, which creates a cycle of destruction. When consumed by any animal, it remains unchanged in the body. As a result, any predator or bird eating the dead animal will also die. Poison 1080 is not only a terribly effective but also extremely inhumane agent of death. An animal eating a very small quantity of the poison will die only after a number of hours of terrible convulsions and vomiting.

The poison most widely used by private individuals, thallium, is manufactured by a number of chemical companies and sold in interstate commerce. This is the poison which has been responsible for the largest proportion of the recent deaths of the eagles.

The current poisoning program on public lands is carried out by a division of the Department of the Interior known euphemistically as the Division of Wildlife Services. It was formerly and more properly titled the PARC Division—Predators and Rodent Control Division.

The Division of Wildlife Services has turned into a huge bureaucratic boondoggle, which in large measure is responsible for the continuing massive poisoning programs. Over a recent 5-year period some 700 employees of the Division of Wildlife Services have worked day in and day out to eradicate the wildlife of the West. In this 5-year period they have put out 2,300,000 pounds of poisoned meat. They have used 3 million strychnine tablets. They have used tons of poisoned grain.

Only recently has it come to light that this wholesale slaughter was being carried out with taxpayers' dollars. At the present time, poisoning of wildlife in the West is costing the taxpayer over $8 million a year. Only part of this money is used directly by the Division of Wildlife Services. Most of it goes in subsidies to States, communities, and private organizations for their use in poisoning.

And for whose benefit is this massive program of killing taking place? The program as originated in 1915 was a small effort to assist cattlemen and sheepmen in reducing the number of animals lost to wolves and coyotes.

But things have changed in the intervening years. Today, less than 1 percent of our cattle is grazed on public lands. The percentage of sheep grazing on public lands is greater. There are approximately 8 million sheep grazing on public lands at one time or another during any year. Yet, the owners of the sheep pay to the Federal Government only 8 cents per sheep per month. For this they not only need fencing and reseeding of the grazing lands, but they also ask for as complete protection from all wild animals as the Department of the Interior can provide. It is in its zeal to protect these privately owned sheep that the Department of the Interior has waged an all-out war to eradicate all predators on public lands.

No one objects to the grazing of cattle or sheep on public lands of the United States, but the Government should not expect the public to condone or pay for the utter destruction of all wildlife on its public lands for private interests.

A number of efforts have been made to minimize the terrible wildlife destruction. These efforts have included several lawsuits to enjoin further killing by the Secretary of the Interior. In addition, some States have adopted what is known as the Missouri plan. Under this plan, private landowners are trained to control specific animals causing specific damage. They are taught to use humane traps which do not break legs. They are taught methods of controlling particular predators without endangering other wildlife. Finally, at least one State, Kansas, has recently adopted a law banning the use of all poisons, on both public and private property, for the killing of wildlife.

To expedite these various efforts, I propose that Congress properly take responsibility for policies of the Federal Government by passing the "Antipoisoning Act of 1971." This bill has been suggested to me by the Washington office of the Committee for Humane Legislation, Inc., a New York based wildlife conservation group which is headed by Miss Alice Herrington.

The bill would totally ban the use of poisons to kill animals or birds on any public lands except under emergency circumstances. It would also ban interstate shipment of both 1080 and thallium.

Provisions are made to encourage extension of the Missouri plan throughout the whole country. Finally, the vast legion of 700 poisoners of the Department of the Interior would be put to other tasks connected with the preservation rather than the destruction of wildlife.

Mr. President, I ask unanimous consent that the text of the "Antipoisoning Act of 1971," along with an article by Lewis Regenstein from the New York Times be printed at this point in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2083

A bill to prohibit the poisoning of animals and birds on the public lands of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Anti-Poisoning Act of 1971.

SEC. 2. *Definitions.*

For purposes of this Act,

(a) "Public lands" means all publicly owned lands of the United States except Indian and military reservations.

(b) "Poison" means biocides and toxi-

cants, singular or plural, in gaseous-, liquid-, dust-, or solid-form, placed in food, baits, or water directly ingested by carnivores from eating poisoned herbivores or omnivores, and includes: direct acting poison, for example, strychnine; cumulative poison, for example, thallium sulphate; and chain-reacting poison, for example, sodium fluoroacetate.

(c) "Chemosterilant" means any substance which, when ingested, causes the animal to become sterile.

SEC. 3. *Prohibitions.*

(a) Except as provided in section 4 of this act, the use of poisons or chemosterilants to kill any animal or bird on public lands is hereby forbidden.

(b) The interstate commerce of thallium and sodium fluoroacetate, commonly known as Poison 1080, is hereby forbidden.

SEC. 4. *Exception.*

In any specific instance where either the Secretary of the Interior or the Secretary of Agriculture believes, because of unusual and extraordinary circumstances, that it is imperative to use poisons on public lands for animal control, he shall place a Notice of Intention in the Federal Register at least 60 days prior to the proposed beginning of the program and shall give a public hearing to anyone who wishes to protest the poisoning; the program shall not be begun until a review of the protests is made by the Secretary of the Interior or Secretary of Agriculture, as the case may be, and a detailed explanation of the need of the program is placed in the Federal Register.

SEC. 5. *Penalties.*

Any person, including officials, employees and agents of the United States or any State, who violates the provisions of this Act shall, upon conviction for the first offense, be subject to a fine not to exceed $500.00 or imprisonment not to exceed six months, or both; upon conviction of a second or subsequent offense, violators shall be subject to a fine not to exceed $5,000.00, or imprisonment of one to three years, or both.

SEC. 6. *Extension Mammal Control Agents.*

(a) There is hereby authorized to be established in each regional office of the Bureau of Sport Fisheries and Wildlife of the Department of the Interior the position of extension mammal control agent who, upon the request of the duly authorized wildlife agency of any State within the region, shall provide advice and demonstrations to State-employed specialists in methods of instructing farmers and ranchers, or their agents, in techniques of preventing depredations by wild predatory mammals on domestic livestock and in techniques of trapping the individual mammals causing depredations on domestic livestock. Any control methods used, demonstrated, or advocated by the extension mammal control agents shall be in compliance with applicable Federal and State laws relating to the taking of wildlife, and no such method shall include in rural or suburban areas the use of poison or chemosterilant.

(b) As of July 1, 1972, and thereafter, the number of mammal control experts and other persons employed by the United States Fish and Wildlife Service, or in any bureau or branch thereof, to engage in or assist, either directly or indirectly, in the trapping or other method of reducing the number of predatory mammals shall not exceed six persons. Biologists or other personnel employed within the Wildlife Research Branch of the Bureau of Sport Fisheries and Wildlife to investigate the biology or ecology of predatory mammals, or to develop control methods less likely to endanger valuable wildlife than the methods now in use or practiced in the past, shall not be counted against the foregoing limitation.

SEC. 7. *Authorization of Funds.*

There is hereby authorized to be appropriated for the purposes of this Act not to exceed $153,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter through and including the fiscal year ending June 30, 1976. The Secretary of the Interior is directed during the period from effective date of this Act until the close of the fiscal year ending June 30, 1972, to make such reorganizations, reductions, and adjustments in the predator-control program of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this Act.

[From the New York Times, June 13, 1971]

(By Lewis Regenstein)

ARLINGTON, VA.—Last month, 48 bald and golden eagles were found dead in the state of Wyoming. It is virtually certain that many more eagles have died and have not yet been found in the remote Wyoming canyon country, the one place where it was hoped they might be able to make a comeback.

About half of the eagles found had been poisoned by thallium sulfate, a chemical which the United States Department of the Interior had spread throughout the western United States as part of its efforts to exterminate coyotes. Although the Interior Department asserts that it has discontinued using thallium, there is widespread suspicion that the department is involved in the latest deaths of eagles. In any event, thallium which is manufactured by American Smelting and Refining Company of New York City, is still readily available to sheep farmers and cattle ranchers for their own use.

What is not in doubt is that the killing of these eagles is part of a deliberate, well-planned campaign, aided and abetted by the United States Government, to wipe out all predatory animals which might compete with agricultural interests.

In describing the American eagles, it is difficult to capture the majesty of these awesome creatures. Both the Bald Eagle (*Haliaeetus leucocephalus*) and the Golden Eagle (*Aquila chrysaetos*) have wingspreads of six to eight feet and stand over three feet high. They mate for life and return to the same nest at the same time each year, spending the first month refurbishing their huge "eyrie."

The eagle first appeared on a United States coin in 1776, and it has been present ever since. The bald eagle became our national symbol during the Congressional assembly of 1782. As President Kennedy once put it, "The fierce beauty and proud independence of this great bird aptly symbolize the strength and freedom of America." Yet there are many Americans—some in the United States Department of the Interior—who would destroy this magnificent creature. The reason is that ranchers who raise wool and cattle believe that eagles—like coyotes—occasionally kill their livestock, particularly very young sheep or calves. Biologists dispute this, contending that eagles do not kill animals any larger than rabbits, although they may feed upon an animal that has already been killed. Despite the fact that eagles perform beneficial functions such as preying on snakes and rodents, the belief persists in many quarters that they are injurious to agriculture.

As a result, the Interior Department has gone along to some extent with this campaign to wipe out our few remaining eagles. For example, in March 1967, then Secretary of Interior Stewart Udall—who is now posing as an ardent conservationist—authorized the killing of golden eagles "for the protection of livestock" in 52 of 56 Montana counties. The law still authorizes the Secretary of Interior to permit "the taking" of bald and golden eagles "for the purpose of seasonally protecting livestock" and under other "special circumstances."

This killing of eagles for vested interest groups is not new. In Alaska, a bounty was paid on bald eagles until 1951 because they were considered "damaging" to the salmon industry. During the 36 years in which bounty payments were made, over 100,000 eagles were killed.

Today, the main causes of eagle deaths are DDT and other pesticides, high-voltage power lines, "sportsmen" and hunters—and the United States Government. Again, at the behest of cattle and sheep farmers, the Interior Department has adopted a mass and indiscriminate poisoning campaign designed to wipe out all wild animals which these ranchers consider undesirable. This massive effort involves distributing throughout the western United States tons of grain and meat baited with the deadly poisons, cyanide, strychnine and sodium monofluoroacetate, or 1080. The intent of the program is to "eliminate" such predators as coyotes and mountain lions; but there is no way to prevent other creatures, such as eagles, from feeding on this bait or on the carcass of a poisoned animal. For years, eagles have been dying from 1080; it was present in the area and has not yet been ruled out as a cause of some of the eagle deaths in Wyoming. The Interior Department is aware of this situation and admits that eagles are "accidentally" being killed; but each year it increases both the scope and cost of this poisoning program.

The "predator control program" has already succeeded in its effort to drive the wolf, the fox, the mountain lion, the grizzly bear, the black-footed ferret, and other species of wildlife to the very brink of extinction. Why should the eagle—which is also a predator—be treated any differently?

The Interior Department has been one of the main culprits in driving the eagle toward extinction. While it is charged with the responsibility for protecting the eagle, Interior has in fact contributed to its demise—both purposefully and through neglect.

According to the new Secretary of the Interior, Rogers C. B. Morton, there are now at most 800 nesting pairs of bald and golden eagles left in the United States. Unless Secretary Morton can bring about an immediate and drastic change in Interior's wildlife policies, our national symbol will soon be gone forever.

HUMANE TRAPPING BILL

Mr. BAYH. Mr. President, the second bill I wish to introduce today and which was also suggested by the Committee for Humane Legislation, Inc., deals with the use of leg-hold or steel jaw traps.

It is possibly a truism that man's inhumanity to man is nothing compared to man's inhumanity to animals. Many of us have noted an advertisement which has appeared in several magazines and which pictures a raccoon caught in a leg-hold trap. The eye catcher of the ad in bold print is: "There Is No Such Thing as a Tender Trap. "The raccoon caught in the trap is obviously in horrible pain.

It is true that there is no such thing as a tender trap, but some traps are more cruel than others. The cruelest of all is the leg-hold or steel jaw trap. It rarely kills its prey but rather catches the animal by a leg. Frequently, the leg is broken as the jaws of the trap spring shut. In any event, it holds the animal until it dies of exhaustion or starvation, or until the trapper arrives to put the animal out of its misery.

To the extent that trapping is either necessary or is going to be done, there are ways of doing it which are relatively humane. Cage-type traps are generally painless. Additionally, there are traps, generally known as Conibear traps, which kill the animals instantly.

Many question whether there will be

a real need for large scale trapping in the future. Trapping is no longer a source of food, nor is it essential for clothing. In fact, many trappers themselves wear clothes made of synthetic fibers simply because they are lighter and warmer. The principal reason for trapping is the fashioning of luxury clothes.

Therefore, this is an appropriate time to reconsider methods of securing furs for luxury clothes. I certainly do not mean to imply that we should engage in an all-out war against furriers. Our war should be against brutality. If women who bought coats made from the furs of wild animals—as opposed to domestically raised animals, such as ranch mink—knew of the brutality that has gone into the making of their coats, they probably would not wish to wear them.

Years ago, in introducing an antitrapping bill, former Senator Richard Neuberger of Oregon said:

I believe that a people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of that people's civilizations.

Unfortunately, Senator Neuberger's bill made no progress, but times are changing. The young people of our Nation are no longer entranced with brutality either toward human beings or toward helpless animals. As times change, attitudes change. I think that the time has come to outlaw the use of brutal traps.

The bill which I asked to be introduced today has already been introduced on June 1, 1971, in the House of Representatives by Mr. BROOMFIELD, of Michigan, one Member of Congress who has long been interested in practical ways of lessening man's brutality toward animals. With Mr. BROOMFIELD'S leadership in the House, and, hopefully, with the assistance of many Members of both Houses of Congress, we may get our legislation enacted.

The bill would declare it to be the public policy of the United States to discourage the manufacture, sale, and use of leghold or steel jaw traps on animals in the United States and abroad.

The prohibition in the legislation applies to interstate and foreign commerce in furs and leathers, if such fur or leather comes from animals trapped in any State or foreign country which has not banned the manufacture, sale or use of these traps. Mr. President, I ask consent that the text of my humane trapping bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that it is hereby declared to be the public policy of the United States to discourage the manufacture, sale, and use of leg-hold or steel jaw traps on animals in the United States and abroad.

PROHIBITION

SEC. 2. No fur or leather, whether raw or in finished form, shall be shipped in interstate or foreign commerce if such fur or leather comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

CURRENT LIST

SEC. 3. The Secretary of Commerce shall compile, publish, and keep current a list of States of the Union and foreign countries which have not banned the manufacture, sale, and use of leg-hold or steel jaw traps.

PENALTIES

SEC. 4. Anyone shipping or receiving fur or leather in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and shall be sentenced to a jail term of one to three years.

EFFECTIVENESS

SEC. 5. The provisions of this Act shall become effective four years after the date of its enactment.

By Mr. TOWER:

S. 2085. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

MID-DECADE CENSUS

Mr. TOWER. Mr. President, I introduce for appropriate reference today a measure designed to authorize the Secretary of Commerce to conduct a census in the mid-decade. Under the terms of this legislation, beginning in 1975 and continuing every 10 years thereafter, the Census Bureau would compile figures as of the first day of April of 1975 which would provide more current information than is now available in the mid-decade.

Mr. President, one of the strongest reasons for holding a census in the mid-decade is the fact that the amount of Federal funds that a community or State receives is in a large part determined by its population. Likewise, the eligibility for certain types of aid is triggered by other population formulas. In a highly mobile and ever-expanding society such as ours, census figures that are 8 or 9 years old can often times have little relevance to current situations. Therefore, cities and States that have a great need for funds and other services find themselves deprived of adequate amounts, simply because the data upon which these amounts depend is so outdated.

After the last census, which was just completed about a year ago, many cities and towns in Texas were concerned because they felt that the census failed to accurately reflect their populations. Likewise, many of the cities and counties in Texas are among the fastest growing in the Nation. Over a 10-year period, the population of some areas can change 20 to 30 percent, while in still faster growing areas, the change can be as much as 50 percent. The necessity for more accurate information upon which to base legislation and upon which to distribute Federal funds and services should be readily apparent.

Mr. President, there has been some concern in the past regarding the length of the questionnaire involved in the decennial census. I have shared this concern and have in the past introduced legislation that would limit the number and types of questions asked in the census. In talking with people in the Census Bureau, I have every reason to believe that the questionnaire would be kept as simple and short as possible, in the interest of efficiency and the rights of our citizens. With this in mind, I will refrain at this time from putting a question limit in this legislation, hoping that such details can be worked out during the hearings on this bill. Should agreement prove to be impossible at that time, I will recommend to the Congress that an absolute limit, consistent with the purposes of this mid-decade census, be written into this legislation on the subject. I might note also, that in cities over 100,000, there will be no full survey, but sampling procedures and special surveys will be allowed. This will allow accuracy to within 0.01 percent, while negating the necessity of involving large numbers of people in the census.

Mr. President, due to the long lead-time that is necessary to prepare for a census, time is of the essence in considering this legislation. I hope that the appropriate committee can see fit to expedite this most important matter. This bill will help us to better understand the shifting patterns in our country and will help us to better legislate for her future.

By Mr. BEALL:

S. 2086. A bill to provide for overtime pay without limitation for officers and members of the Metropolitan Police force of the District of Columbia, the U.S. Park Police force, and the Executive Protective Service in those cases of serious civil disturbance; referred to the Committee on the District of Columbia.

Mr. BEALL. Mr. President, I send to the desk a bill which would authorize full payment for all overtime work performed by the District of Columbia policemen during the so-called May Day demonstrations as well as to provide for overtime pay in future cases of civil disturbances.

Mr. President, I for one believe that the policemen of the Nation's Capital did an outstanding job under most difficult circumstances during the May Day demonstrations. They effectively thwarted the objectives of those who attempted to bring this Government to a close. Initial mistakes may have been made by the police as they attempted to make certain the city would continue to operate, and to prevent large numbers of people from stopping an even larger number of individuals from coming to their place of work. Nevertheless, our juridical system provides the means whereby any such errors may be remedied. Certainly, I am concerned over the constitutional rights of citizens to demonstrate, but I am also concerned over the constitutional and basic rights of citizens to go to and from their work without fear or danger to either their person or property.

Whatever one feels with respect to po-

lice handling of the May Day demonstrations, I feel there should be broad and general agreement that the policemen, who at a great deal of personal sacrifice, inconvenience, and danger, are called upon to work long hours, should at least be remunerated for this extra duty and extra service.

Under present law, any policeman is prohibited from earning more in any 2-week period than the base pay of an assistant chief. Working 14- to 16-hour shifts, many policemen earned or exceeded the limit during the May Day demonstrations. The bill I introduce today, which is identical to the measure introduced by Congressman HOGAN, would not only retroactively compensate the men for the pay they lost for overtime during the recent demonstrations, but also provide for full compensation for overtime during future periods of civil disturbances or natural disasters. I strongly urge that the District of Columbia Committee take early and favorable action on this measure.

By Mr. McCLELLAN (for himself and Mr. HRUSKA) (by request):

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, this body is well aware of the recent wave of assaults on New York City policemen. Already this year approximately 50 policemen have been killed in the United States—seven of them in New York City alone. In 1968, 64; 1969, 86; and in 1970, 100 were killed.

We must try to remedy the multiple causes of disrespect for police which are in large part responsible for many of these killings. We must relentlessly pursue the slayers of these men and deal out swift justice which will have, I think, a deterrent effect on future killings. These two actions, of course, will take a long time to accomplish. We can, however, do one thing quickly, and that is provide some security for the families of the men who are attempting to provide daily security to each of us. We can, as President Nixon has proposed, provide a gratuity of $50,000 to the spouse and dependents of a police officer killed in the line of duty.

Mr. President, during 1969 a total of 35,202 policemen were stabbed, beaten, assaulted, or wounded by a bullet. This is intolerable for a civilized society and government under law. This measure, of course, does not provide an answer to many of these problems, but it is a necessary step in the right direction.

I now introduce—by request—for appropriate reference, for myself and the senior Senator from Nebraska, a bill "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

Mr. HRUSKA. Mr. President, the subject with which this bill is concerned was discussed at a meeting called by President Nixon at the White House on June 3, 1971. Present at the meeting were, among others, Attorney General Mitchell, FBI Director Hoover, and 20 leading law enforcement officials from all parts of the country. The President expressed his concern at the increasing number of attacks on police officers in metropolitan areas throughout the country, highlighted by the fatal shootings of two officers in New York and two others in Washington the week before the meeting.

The police officials were aware that the President had, last November, directed the Attorney General to make available all appropriate investigative resources of the Department of Justice to work jointly with State or local police, when requested, in any case involving an assault upon a police officer. The officials expressed satisfaction with this directive and agreed that it represents the appropriate Federal role in helping to prevent assaults on our State and local peace officers.

The consensus of the meeting was that the Federal Government could do no more to insure that the families of police officers killed in the course of their vital and courageous duties of protecting the public from criminal elements are adequately provided for.

The bill which I am introducing would implement the determination to provide for the families. In recognition of the perils faced by policemen and of the disparity in benefits among the several States, it would authorize payment of a gratuity of $50,000 to the family of a slain policeman, thus serving as a Federal floor for the total benefits payable. A similar benefit was authorized for the families of police and other public safety officers of the District of Columbia by Public Law 91-509, approved October 26, 1970.

The benefit would be paid by the Law Enforcement Assistance Administration under regulations issued by it, and out of funds specially appropriated to it under the Omnibus Crime Control and Safe Streets Act of 1968, upon certification by the Governor of the State in which the police officer is employed that he had been killed in the line of duty.

The gratuity thus provided, Mr. President, would be in addition to any other gratuity, benefit, or payment made under any other law or plan.

Mr. President, I believe that the benefits which this bill would provide are richly deserved and will help to enhance the morale of the gallant men in blue who daily put their lives on the line on our behalf. It merits the prompt and favorable attention of the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with a letter of transmittal from the Attorney General to the Vice President and a sectional analysis of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2087

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Police Officers Benefits Act of 1971."

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new Part:

"PART J—POLICE OFFICERS DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under Part F of this title, upon certification to the Administration by the Governor of any State that a police officer employed on a full-time basis by that State or a unit of general local government within the State to enforce the criminal laws has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the police officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under 18 years of age; or

"(2) over 18 years of age and incapable of self-support because of physical or mental disability; or

"(3) over 18 years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"SEC. 702. The gratuity payable to any person under this Part is in addition to any benefits to which he may be entitled under any other law."

SEC. 3. Section 520 of the Omnibus Crime Control Act of 1968, as amended, is amended by adding at the end of the section the following sentence:

"In addition there are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of Part J."

SEC. 4. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding: "except that for the purposes of Part J the term does not include the District of Columbia".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 1, 1971.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty."

The slaying of police officers in New York City and in Washington, D.C. in recent weeks has shown to America the risk of lethal violence faced daily by peace officers in city after city across the country. The nature of the dangers police officers confront and the disparity in survivors benefits from State to

State have led us to conclude that the Federal Government should provide a gratuity to the families of each municipal or State Police officer killed while in the performance of duty, to serve as a federal floor for survivors benefits, and to be in addition to any other benefits due the family. The 91st Congress authorized a payment of $50,000 to survivors of police and other public safety officers slain in the line of duty here in the District of Columbia.

On behalf of the President of the United States, I am transmitting the enclosed legislative proposal to give to the spouse and dependents of a police officer killed in the line of duty a gratuity of $50,000, payable from funds appropriated to the Law Enforcement Assistance Administration for that purpose.

I urge early consideration and prompt enactment of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

SECTIONAL ANALYSIS

Section 1 is the short title.

Section 2 would add a new Part J to Title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968. The new part would consist of two new sections, 701 and 702.

Proposed section 701 would authorize the Law Enforcement Assistance Administration to pay a lump sum gratuity of $50,000 to the spouse, dependent children or parents of police officers who are killed in the line of duty. It is intended that the latter term be construed to provide payment to the survivors of a police officer who dies as the proximate result of injuries sustained in or on account of the performance of his official duties. Payments would be made under regulations promulgated by the Administration upon certification of the applicable facts to LEAA by the Governor of the State concerned. Where the police officer leaves both a surviving spouse and one or more dependent children, the spouse would receive $25,000 and the children $25,000, divided equally. Otherwise, the spouse or children would receive the entire $50,000. If there are neither children nor a spouse surviving the officer, the money would go to the dependent parents of the officer. The term "dependent for support" in the section is intended to mean more than one-half of the support of the dependent concerned.

Proposed section 702 would make clear that the new benefits are in addition to any other benefits.

Section 3 of the bill would amend section 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to authorize appropriation of such sums as are necessary to carry out the program.

Section 4 of the bill would amend the definition of "State" in the Omnibus Crime Control and Safe Streets Act of 1968 so as to exclude the District of Columbia from the coverage of the bill. Survivors of police and other public safety officers of the District of Columbia killed in the line of duty are entitled to a $50,000 death benefit by virtue of Public Law 91-509, approved October 26, 1970.

By Mr. PEARSON:

S. 2088. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses. Referred to the Committee on Finance.

INVESTMENT TAX CREDIT FOR FARMERS AND SMALL BUSINESSMEN

Mr. PEARSON. Mr. President, I introduce today legislation which would reinstate the investment tax credit for farmers and small businessmen.

More than 90,000 Kansas farmers and countless small businessmen in my State have suffered badly during the recent inflationary spiral. A farm tractor today costs about twice as much as the same implement would have cost a decade ago. The trucks and other equipment which small businessmen and farmers must purchase to meet the demands of their customers are priced beyond the reach of many essential and competitive enterprises.

Because the economy of Kansas, and many other rural States depends upon a secure economic position for farmers and small businessmen, I have concluded that current economic conditions demand the reinstatement of the 7-percent investment tax credit for these businessmen.

I have been deeply gratified by the bipartisan support which the Rural Job Development Act has attracted in this Congress. I am hopeful that substantial measures can be adopted to attract ambitious citizens to job opportunities in rural regions in the coming years. The quality of life in America during the remainder of this century will depend, to a great extent, upon the success of rural development initiatives designed to promote balanced economic growth.

As Congress considers carefully the major programs before it to promote economic expansion, the question of incentives to business for expansion in rural areas will be of central importance.

I believe restoration of the 7-percent investment tax credit is appropriate at this time, pending full consideration of all economic development programs for rural America. I believe the investment tax credit will improve substantially the opportunities for small businessmen and farmers to survive inflationary pressures and credit shortages which have stifled expansion and eroded profits in the recent past.

Mr. President, I ask unanimous consent that the text of my bill to restore the 7-percent investment tax credit for farmers and small businessmen be included in the RECORD at the conclusion of my remarks.

I urge its timely consideration and adoption by the Congress.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2088

A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment credit for farmers and small businesses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 49 of the Internal Revenue Code of 1954 (relating to termination of credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies", and

(2) by adding at the end thereof the following new subsection:

"(e) FARMER AND SMALL BUSINESS EXEMPTION.—

"(1) IN GENERAL.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is begun after December 31, 1970, or

"(B) which is acquired by the taxpayer after December 31, 1970, and which is constructed, reconstructed, erected, or acquired for use in a trade, business, or for farming, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $15,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c) and (d) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 407(a)(4) shall not apply.

"(2) SPECIAL RULES.—

"(A) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $7,500 in lieu of $15,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) AFFILIATED GROUPS.—In the case of an affiliated group, the $15,000 amount specified in paragraph (1) shall be reduced for each member of the group by apportioning $15,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that—

"(i) the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504(a), and

"(ii) all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(C) PARTNERSHIPS.—In the case of a partnership, the $15,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) OTHER TAXPAYERS.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f), shall be applied for the purposes of this subsection."

By Mr. CRANSTON (for himself and Mr. HARTKE):

S. 2091. A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes. Referred to the Committee on Veterans' Affairs.

VETERANS' EMPLOYMENT AND READJUSTMENT ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today, with the distinguished chairman of the Veterans' Affairs Committee (Mr. HARTKE), S. 2091, the Veterans' Employment and Readjustment Act of 1971.

This bill would assist returning veterans by expanding and improving the job counseling, job training, and placement services already available through the Department of Labor's Veteran's Employment Service. It would establish preferences for disabled and Vietnam era veterans in jobs growing out of Government contracts, and provide a coordinated program to encourage Federal agencies to hire these veterans. It would also facilitate the access of disadvantaged veterans to existing manpower training programs.

Other features of the measure include: a provision to insure that the Veterans' Administration's Outreach program will fully advise and assist each returning veteran to take full advantage of the readjustment programs available to him; a provision for medical readjustment counseling for those who request it; and a provision to make reduced-fare air travel available for job hunting or getting to school for up to 1 year after discharge.

Finally, for those veterans who will still need unemployment compensation benefits if we are otherwise unable to assist them, the bill provides a new floor for those benefits in the lower pay grades.

BACKGROUND

Whatever one's views are about the war we are waging in Indochina, there is general agreement that we have a special obligation to those men whom we have sent there to implement our national policy. As President Nixon recently stated on April 12, 1971,

> We owe these men a debt of gratitude for their service—but we also owe them something more. We owe them an extra measure of help in making the difficult transition back to civilian life.

The bill Senator HARTKE and I are introducing would provide our returning veterans that "extra measure of help" to let them compete for jobs with those who did not serve or who have already made their readjustment to civilian life and work.

All of our recent veterans have made sacrifices for their country. For some, the sacrifice has involved giving up productive years of education or employment. Many others, in addition, have been required to risk their lives and limbs in a cruel and destructive war which is yielding a greater percentage of disabled veterans than any prior war.

Aside from the physical and psychological wounds some men bear, the most unacceptable sacrifice being demanded is that of returning to an economy which keeps them unemployed while their friends who did not serve obtain jobs more readily.

It is ironic that the unemployment problem faced by our veterans is directly related to the very war in which they fought. It is tragic that the burden of unemployment falls so heavily on those who have already sacrificed so much. It is urgent that we act to correct this double sacrifice.

VETERANS' UNEMPLOYMENT AND READJUSTMENT HEARINGS

In the 91st Congress, it was my privilege to serve as chairman of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare. In that capacity, I held hearings on unemployment and overall readjustment problems of returning veterans on November 25, and December 3, 1970.

At these hearings, several high officials, representatives of veterans organizations, and other interested persons testified on the problems faced by our returning veterans. The major theme and consensus was that the principal problem of most of these men is finding a job within a reasonable time. The most direct and convincing testimony was from the veterans themselves. One of the Vietnam era veterans expressed the crushed hopes, the despair, and frustration he encountered. Here is his view:

> Upon discharge I came to Washington full of confidence and hope of getting a job . . . . I was under the impression that being a veteran, doors would be opened to me. Much to my surprise, I found this untrue. Still, day after day, I roamed the streets of Washington going to every agency that deals with veterans and accomplishing nothing . . . . After many days of job searching and finding no results I began to feel frustrated and tense . . . . By this time the money I saved while in the Navy was running out so I went to sign up for unemployment compensation . . . . It was from February until June . . . . before I got employment.

Mr. President, many similar cases have been brought to my attention, and they give substance and feeling to the cold statistics which demonstrate that our veterans are bearing far more than their share of the unemployment epidemic in our country.

SERIOUSNESS OF THE PROBLEM

The crisis of returning veterans' unemployment at this time is the product of our overall high rate of unemployment aggravated by recently accelerated military separations accompanied by readjustment difficulties and employer reluctance to hire Vietnam veterans. Overall unemployment has skyrocketed from a low of 3.3 percent in February 1969 to a 10-year high of 6.2 percent in December 1970. The most recent unemployment rate is 6.2 for May, 1971, with 5.4 million people out of work.

Annual military separations have totaled over one million men for each of the past 2 fiscal years. There were 1,120,000 men separated from the military in fiscal year 1970, nearly double the number separated in 1967—606,000. By the end of April, the Vietnam era veteran population will probably pass the 5 million mark, with about 70 to 80 thousand new veterans returning each month to a severely saturated labor market.

The latest quarterly figures show that an average of 375,000 veterans 20 to 29 years of age were unemployed each month during the first quarter of 1971. This is an absolutely shocking and intolerable figure. It means there are now almost twice the number of veterans unemployed as there were during the same period a year earlier, when 199,000 were looking for work.

The unemployment rates for veterans as compared to nonveterans in the same age group demonstrate the extra sacrifice our veterans are being required to make. The latest figures show that veterans 20 to 24 years old now face an unemployment rate of 14.1 percent, while the rate for nonveterans in that age group is 9.9 percent. Among men 20 to 29 years old the rate for veterans averaged 10.1 percent compared to a rate of 7.6 percent among nonveterans during the 3-month period, February through April 1971. Furthermore, the 10.1 percent rate for veterans is 3.2 percent higher than it was in the same period in the previous year, when it was 6.9 percent. This tremendous increase in unemployment highlights both the crisis we face and the need for us to act, to stem the rising tide of Vietnam veterans' joblessness.

At least as disturbing as the overall unemployment rate for veterans is the fact that the most neglected veterans are those, generally, who have risked the most. A recently published study by the Department of Defense found that men who serve in vital combat occupations like infantry, artillery and armor tend to have the highest unemployment, and that men who serve a duty tour in Vietnam are even more likely to be unemployed than those servicemen who did not. Thus, we seem to be doing the least for those from whom we asked the most.

I feel very strongly that we have the highest obligation to our returning veterans, especially those who have served in Vietnam. We must make a special effort to help these men readjust to civilian life as quickly and thoroughly as possible. Every study and authority I know says that a job is absolutely indispensable to an effective readjustment.

Mr. President, I have outlined the nature of the problem. The most desirable and comprehensive solution is to provide jobs and job training opportunities for all those people who need them. Our veterans and our country would benefit from a truly comprehensive job creation program.

VETOED PUBLIC SERVICE EMPLOYMENT LEGISLATION

It was extremely unfortunate that the 91st Congress' major effort to deal with the unemployment crisis, S. 3867, the Employment and Manpower Act, was vetoed by the President on December 16, 1970. That legislation would have done a great deal to meet the veterans' unemployment crisis which has grown steadily since then. It included a number of the provisions to assist veterans which are in the bill I introduce today.

It is my fervent hope that the more abbreviated version of that measure, the Emergency Employment Act of 1971, which the Senate passed on April 1, 1971 (S. 31) and the House on May 4 (H.R. 3613) will be promptly signed by the President. We are today engaged in a House-Senate conference to resolve the comparatively few disagreements between the bodies on that bill. And I am pressing, along with my friend from Wisconsin (Mr. NELSON), the chairman of the Employment, Manpower, and Poverty Subcommittee, to set aside a substantial proportion of jobs under that bill for our unemployed veterans who have served in Vietnam.

During consideration of S. 31 in the Labor and Public Welfare Committee, I proposed amendments to insure that recently returned veterans would receive

a fair share of the public service jobs made available in that legislation. The version passed by the Senate included a provision I helped develop which directs the Secretary of Labor to make an equitable distribution of public service jobs to segments of the population significantly affected by high unemployment, including veterans recently separated from military service. S. 31 provides for up to 250,000 public service jobs over the next 2 years, and about 18,250 of these jobs should go to recently discharged servicemen under the Senate bill. Under the House version—with its veterans' preference provisions—probably even more, and, potentially, all jobs would be filled by veterans. As I indicated, I am hopeful we can resolve this difference to the advantage of our returning veterans.

EXPLANATION OF BILL

Mr. President, I would now like to explain the provisions of S. 2091, the Veterans' Employment and Readjustment Act of 1971.

TITLE

Section 1 of the bill designates its title.

VETERANS' EMPLOYMENT SERVICE

Section 2 of the bill adds a fully rewritten chapter 41 to title 38 of the United States Code. This chapter sets forth the basic veterans' employment and manpower responsibilities of the Department of Labor, administered through the Veterans' Employment Service. Provisions virtually identical to these were passed by the 91st Congress as section 702 of S. 3867, the Employment and Manpower Act of 1970, and would be law today but for the veto of that measure.

The urgent need for improvement of employment services to veterans is demonstrated by the Department of Labor's latest report on these services, for the first quarter of 1971. During this period, new applications for assistance increased by 26,500 over the previous year: 594,100 veterans asked for help compared to 567,600 a year earlier. Only 52,500 of these nearly 600,000 people were provided initial counseling interviews. The record of success—measured by placements made—was much less than a year earlier: Placements fell from 210,800 to only 176,400. These figures make it clear that we are simply not making even a respectable effort to try to help these unemployed veterans.

The revised chapter 41 in the bill would strengthen the Veterans' Employment Service, enlarge its staff and protect its appropriation from diversion to other Labor Department purposes. It also includes a mandate for job development activities and the provision of counseling for and referrals to appropriate training and manpower programs, as well as directly to job openings.

New administrative controls and data gathering and reporting responsibilities are assigned to insure prompt and adequate services to all veterans seeking employment or training assistance.

These provisions also call for close coordination with the Veterans' Administration, especially in assisting the VA in its promising job fair or job mart programs and in its outreach services program. This should lead to the assignment of more State public employment counselors to work at veterans' assistance centers, and to more such counselors devoting full time to the needs of the rapidly expanding veteran population.

READJUSTMENT COUNSELING

Section 3 of the bill would entitle Vietnam era veterans to readjustment counseling and appropriate followup care through the medical facilities of the Veterans' Administration. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, I feel very strongly that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and if he asks for it, that his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, our VA facilities for assistance will be made more visible and accessible.

In the hearings on the readjustment problems of returning veterans held before the Veterans' Affairs Subcommittee last winter, the testimony indicated that some of our returning veterans do encounter very difficult psychological readjustment problems. Only this past Tuesday, my Health and Hospitals Subcommittee of the Veterans' Affairs Committee was told exactly the same thing again about the seriousness of readjustment problems.

Although no accurate estimate of the extent of the problem has been made, this testimony was very disturbing, and convinced me that readjustment counseling services must be made far more visible and readily available to those who need and request such help.

Dr. Gerald Caplan, professor of psychiatry at the Harvard Medical School and senior consultant to the U.S. Army at Fort Devens, Mass., and to the Peace Corps, testified that:

It appears that a significant proportion of Vietnam veterans, especially those who were extensively involved in active combat, have serious problems in readjusting to civilian life. These problems may last up to two or more years, and are manifested by job instability, difficulties in relating to other people, depression, social alienation, anger and resentment, emotional irritability, poor control over aggression, and alcoholism and drug addiction.

Dr. Caplan reported that the main factors underlying the problem are:

(a) Estrangement from home values and behavior due to Army life overseas; (b) closing of ranks at home during the veteran's absence; (c) brutalizing of the soldier by combat experience, especially in guerrilla warfare; (d) ambivalent welcome to the veteran by a home society in unstable equilibrium, with precarious control over its own violence.

Another witness, Prof. Murray Polner, of Suffolk Community College, Selden, N.Y., had interviewed over 200 veterans and written a book about the Vietnam veterans, "No Victory Parades." He testified that those whom he interviewed were truly estranged and alienated from their Government, and from those of their peers who had never served. He found the young veterans bitter, without hope, suspicious, and confused. He recommended that far more individualized counseling was needed and that far more veterans should be encouraged to use existing VA facilities.

In hearings on the medical care of Vietnam veterans held in the winter of 1969 and the spring of 1970, several distinguished psychiatrists who have worked with veterans from various wars told the former Veterans' Affairs Subcommittee that Vietnam veterans have very special psychological problems and need special help to readjust to civilian life.

Dr. Robert Jay Lifton, professor of psychiatry at Yale University School of Medicine, described the Vietnam veteran's experience as one of "profound inner confusion, helplessness, and terror." One of the most difficult problems with which the Vietnam veteran must deal is his inability to convince himself that his participation in the war, and the sacrifices made by him and his fellow servicemen, had purpose and significance. Dr. Lifton and recently Dr. George Solomon of the Stanford Medical School noted that the Vietnam veteran often develops a deep distrust of the society that sent him to the ordeal of Vietnam. He feels victimized and betrayed by his own country, which is itself confused about what our country is doing in Vietnam. Dr. Lifton suggested that our VA medical services be extended to reach all varieties of psychological disturbances and that stringent time limitations on the presumption of service connection be removed.

Dr. E. James Lieberman, a psychiatrist on the staff of the National Institute of Mental Health, testified that our veterans need far more preventative psychiatric assistance in their readjustment, and suggested that the VA should find new approaches for helping returning veterans, especially those who have been disabled.

Based upon my last 2 years' study and investigation of the Vietnam veterans readjustment problems, I am convinced that the problem of psychological readjustment is an acute and very real problem, and that we must make certain that our facilities for this kind of assistance are visible and easily accessible to those who need this help.

GOVERNMENT CONTRACTOR VETERANS' PREFERENCE

Section 4 of the bill would establish an employment preference in all Government contracts and subcontracts for disabled veterans and veterans of the Vietnam era. While the veterans would have to meet all of the qualifications for the job involved, this section is based upon the principle that if all other factors are equal, the disabled or Vietnam

era veteran should be chosen for the job.

This section contains a provision directing the President to implement the preference requirement by issuing appropriate regulations. I note that on June 11, 1971, the President announced that he would issue an Executive order to require listing of all job openings with the U.S. Employment Service by all Federal agencies and contractors funded by the Federal Government. This section would give substance to that listing requirement and would compliment it very well. In my view, the combination of required listing and a veteran's preference such as this section proposes for contractors and the affirmative action plan requirement contained in section 5 of the bill will be the most effective way to insure that returning veterans have the opportunity to obtain jobs.

In testimony before the Veteran's Affairs Subcommittee of the Committee on Labor and Public Welfare on December 3, 1970, Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, stated that he felt it would be desirable to consider legislation requiring an employment preference for service-connected disabled veterans. In response to another question, he also reacted favorably to the suggestion that a Vietnam veterans' preference in government contracts, particularly defense contracts, might be helpful.

The President's recent Manpower Report, transmitted to Congress in April, estimates that Federal Government spending for goods and services purchased from private industry generated about 3.7 million jobs in the private sector in 1970. Federal purchases of goods and services comprised 10.2 percent of the gross national product in 1970. While federally supported employment declined during 1970, it is still extensive, and a veterans' preference in this area could operate to reduce the disparity of unemployment of veterans as opposed to similarly situated nonveterans. It is essential that we work toward achieving at least equalization of the employment rate of veterans as compared to nonveterans of the same age and qualifications.

I believe that this provision would be of substantial assistance and encouragement to the President's Jobs for Veterans campaign, and would help to ensure its effectiveness. I was most disappointed to learn of the very poor initial response to the massive mailing to employers conducted by that program. A total of 900,000 employers were contacted and asked to signify their interest in hiring a returning veteran. Only 15,000 employers even replied—less than 2 percent of those contacted.

This demonstrates the need to go considerably beyond publicity campaigns in order to assist these veterans.

President Nixon stated the obligation very well on April 12, 1971, when he announced:

> As a Nation, we bear a profound and very special responsibility to those who have been called upon to serve. All of us share in that obligation—and each veteran, by his service, has earned assistance in assuming his rightful place in the civilian community. The Federal Government must do its full share in meeting that obligation, and I urge all others who can help to do so.

On June 11, 1971, in a letter to Secretary of Labor Hodgson, the President reiterated the need for the "highest priority" for a "vital national effort to provide the returning veteran what he has earned—a smooth transition to civilian life and meaningful work."

I believe that Congress should act immediately to enact this bill in order to give substance to the President's statements of concern.

FEDERAL AGENCY AFFIRMATIVE ACTION PLANS

Section 5 of the bill, consistent with the President's June 11 directive to Secretary Hodgson to find more Government jobs for returning veterans, would add a new chapter 42 to title 38, United States Code, to charge the Administrator of Veterans' Affairs with the responsibility to establish an affirmative action plan for the employment of disabled and Vietnam era veterans by Federal departments and agencies. Under the bill, the Administrator would develop and implement the plan in consultation with the Secretary of Labor and the Civil Service Commission.

An estimated 2,574,000 civilians are employed full time by the Federal Government in the various departments and agencies of the executive branch. As job openings become available, I feel that we should have a positive plan of action to insure that our disabled and recently returned veterans are given every consideration for these positions.

These provisions are designed along the lines of those administered by the Secretary of Housing and Urban Development to insure equal housing opportunity under title VIII of the 1968 Civil Rights Act.

Veterans are now afforded a preference in Government employment through a system of bonus points added to their civil service exams if they achieve a passing score. These bonuses are five points for a veteran and 10 points for a service-connected disabled veteran.

The administration has given recognition to the need for additional encouragement to Federal departments and agencies to hire returning veterans. On March 26, 1970, President Nixon issued an executive order authorizing veterans readjustment appointments for Vietnam era veterans. Under this order, Government jobs in the grade 3 to 5 levels are made available, without taking civil service examinations, to young veterans willing to continue their education and training while employed.

Mr. President, this is an excellent effort and should probably be extended to higher grades. The provisions in this bill to establish an affirmative action plan for employment of disabled and Vietnam era veterans will compliment and encourage the expansion of such initiatives and will maximize their effectiveness.

VETERANS' UNEMPLOYMENT COMPENSATION INCREASE

Section 6 of the bill adds two new provisions to chapter 85 of title 5, United States Code, which deals with the unemployment compensation program for ex-servicemen.

Since 1958, returning veterans have been entitled to unemployment compensation benefits paid for by the Federal government but processed and disbursed under the unemployment insurance law of the State to which he returns upon his release from active service—the so-called UCX program. Thus, the amount and duration of benefits vary from State to State.

This program differs from those for World War II and Korean veterans, which established a definite amount and duration of benefits regardless of State law. World War II veterans could receive $20 a week for 52 weeks, and Korean veterans were provided $26 a week for 26 weeks. The existing program reflects a Congressional policy that ex-servicemen should be treated the same as all other claimants for unemployment compensation in the State.

The amount to which the veteran is entitled is determined by each State based upon a schedule of pay and allowances for each pay grade of servicemen issued by the Secretary of Labor. This schedule reflects the wages received by the serviceman both in cash and in kind.

Under this system, benefits for veterans range from $37 to $86 depending upon pay grade and the laws of the paying State. The average payment was $52 during the last quarter of 1970. Each State has a maximum amount payable, and in 49 of the 53 jurisdictions, a veteran who achieved pay grade E–5 will receive the maximum. In my State of California, for example, the weekly UCX benefit for veterans is as follows: E–1, $38; E–2, $40; E–3, $45; E–4, $58; and E–5, $65, which is the maximum. Among those men with a single term of service, the percentage distribution among the enlisted pay grades upon separation is as follows: 2.4 percent at E–1 and E–2; 11.5 percent at E–3; 48.3 percent at E–4; 35.9 percent at E–5; and 1.9 percent at E–6 and above.

I am concerned that among the lower pay grades, the benefits—based upon military pay—do not adequately reflect the economic context within which the veteran must subsist in civilian life while looking for work. I believe it would be more appropriate to establish a floor under these benefits.

The Secretary of Labor issues a schedule of pay and allowances of servicemen in the several pay grades which is used by the States to determine the amount of benefits for the individual veteran. Section 6(a) of the bill would require the Secretary to adjust this schedule by including an additional $100 a month in his computation for pay grades E–5 and below.

A similar add-on provision is used in section 229(a) of the Social Security Act in order to base servicemen's benefits on a higher pay scale which is more comparable to wages received by comparable civilian workers.

The most recent schedule of pay and allowances—in cash and in kind—issued by the Secretary for UCX purposes establishes the weekly rate of pay for E–5's and below as follows:

Pay grade:	Weekly rate
E–5	$146.30
E–4	117.11
E–3	88.69
E–2	77.70
E–1	74.41

These figures do not compare poorly to the average weekly earnings of those in the civilian work force. In March 1971, the average weekly earnings of nonsupervisory production workers in the United States was $124.02. The weekly average for nonsupervisory workers in manufacturing is $139.74.

With the adjustment of $100 a month for the lower pay grades, veterans' unemployment compensation benefits would be based on a weekly salary schedule approximately as follows:

Pay grade:	Weekly rate
E–5	$171.30
E–4	142.11
E–3	113.69
E–2	102.70
E–1	99.71

I believe that this is a reasonable proposal to provide additional assistance to those veterans who need it most—those who served in the lower pay grades and are unable to find work upon their return from the service. It continues the policy of treating ex-servicemen the same as other claimants in the same State, with an adjustment to compensate for the low military pay received by servicemen in the lower pay grades. If the full $2.7 billion military pay raise recently voted in the Senate finally becomes law, the lower pay grades will receive such an enormous—well-deserved—increase—averaging well over 100 percent—in basic pay that their overall UCX base will be closer to comparability with civilian pay and, thus, this amendment would not be necessary.

PREVENT UCX CUTOFF

Section 6 also adds a new section 8526 to chapter 85 of title 5, United States Code, to insure that funds are available for payment of unemployment compensation for ex-servicemen. This new section would authorize the Secretary of Labor to draw against funds for the succeeding fiscal year if appropriated funds are insufficient to pay this benefit during the last half of the fiscal year.

Under language traditionally inserted in appropriations bills, the Secretary has been authorized to draw such funds during the last quarter of the fiscal year, but this year appropriated funds were exhausted during the third quarter and an urgent supplemental appropriation was required to prevent the cutoff of UCX benefits. This early exhaustion of funds was the result of this extremely high unemployment throughout the country and inadequate estimates of the demand for unemployment compensation of veterans. Regardless of the reasons why the estimate of the need was unrealistic, I consider it essential that we guarantee that funds are available to pay this benefit to which our veterans are entitled. This new section would provide the assurance that this national obligation will be met when the payment is needed.

DISREGARD MILITARY PAY FOR ELIGIBILITY FOR POST-SERVICE TRAINING

Section 7 of the bill would facilitate the entry of disadvantaged veterans into existing manpower training programs by disregarding the pay and allowances received by a veteran while he was in the service. Thus, in assessing the veterans' needs or qualifications based upon income, the veteran's eligibility for such programs would be determined by his situation prior to and subsequent to his term of service, rather than that while he was in the military.

In addition, this section would require that amounts received by veterans and their dependents from the Veterans' Administration for disability and death compensation and GI bill education cannot be counted for purposes of determining eligibility for participation in manpower programs based upon income requirements. I believe that these payments to which veterans and their dependents are legally entitled both as compensation for the Government's responsibility for service-connected disabilities and to assist in readjustment through educational payments—should not serve to disqualify anyone from participation in a manpower program. This philosophy is consistent with the repeal in March 1970—in section 213 of Public Law 91–219—of the prohibition against receipt of GI bill benefits together with other Federal education and training program benefits.

EXPANDED FUNDING FOR VA OUTREACH

Section 8 of the bill would require the Veterans' Administration to use funds appropriated to it to improve and expand its outreach effort to the extent intended by Congress when it passed the new Subchapter IV of chapter 3, title 38, United States Code, the Veterans Outreach Services program—Public Law 91–219 of March 1970.

The Outreach program is designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and to assist them in obtaining them.

The statutory authority for a comprehensive outreach effort is very broad, and contemplates a massive contact and assistance effort. I have been most disappointed by the Veterans' Administration's lack of responsiveness to Congress' mandate to reach and help our returning veterans.

When this legislation was being studied by Congress in 1969, the VA estimated that the cost of the new Outreach program would be $25,078,252. This included $10,655,252 for the Outreach services which would require an additional 864 positions, and $14,423,000 for 1,466 additional staff positions to process the workload generated by this special effort.

The VA's lack of interest in the Outreach effort is demonstrated by its budget request for this and the coming fiscal year.

The VA's actual and estimated average full-time employment in its contact activity is as follows:

Year	Contact positions
1969	1,219
1970	1,297
1971 (est.)	1,380
1972 (request)	1,500

These figures are most upsetting when it is noted that by the VA's own estimate the number of persons engaged in the Outreach effort in fiscal year 1971 should be 2,161 (1297+864) in order to carry out Congress' intent in enacting the new Outreach program.

The provision in section 8 of the bill would correct this situation by requiring the VA to use the funds appropriated to it for fiscal year 1972 for general operating expenses (GOE) above the level estimated for Outreach to carry out the expanded Outreach program as required. The VA has requested $17,295,000 for the Outreach program in fiscal year 1972. This new provision requires the VA to use an additional $12,539,000 of the GOE appropriations above $17,295,000 to expand this effort. This figure is one-half of the amount originally estimated by the VA to accomplish the purposes of the Outreach program. What this would mean practically is that the V.A. would suffer a serious shortfall of GOE funds unless it requested and obtained a substantial increase in the GOE item in order to carry out an expanded Outreach.

Section 9 of the bill amends section 403(b) of the Federal Aviation Act of 1958—49 U.S.C. 1373(c)—to permit airlines to grant reduced-rate transportation on a space-available basis to veterans for up to 1 year after their discharge from active duty. Such preferential rates are now available to ministers of religion.

Permitting veterans to travel at reduced rates for a year after their discharge would be of great assistance to them in their readjustment to civilian life. It would broaden their employment opportunities by making it possible for them to seek work within a larger geographical area. It would also make it possible for them to look beyond their immediate surroundings for educational and training opportunities.

Under the amendment, this opportunity for increased mobility would be available to our returned veterans at the very time they are most free to look beyond their own home area for better education, training, and job opportunities.

ELIGIBILITY FOR ASSISTANCE

Finally, Mr. President, I wish to note that throughout this bill one rather important change is made in the basic standards for veterans' eligibility for assistance under the provisions it adds and expands. Generally, title 38 of the United States Code—through the language "discharged or released . . . under conditions other than dishonorable"—38 U.S.C 101(2)—restricts veterans' benefits to those who received either honorable or general discharges. As to veterans with undesirable or bad-conduct discharges, the Veterans' Administration, Labor Department, or other agency administering the benefit, is presently empowered to make an adjudication that

the conditions surrounding the discharge were not "dishonorable" and thereby grant eligibility for VA benefits—VA Manual, chapter 14. However, this is a much prolonged and exasperating process which usually ends in determinations of ineligibility.

After my 2 years as chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee in the last Congress and now as chairman of the Health and Hospitals Subcommittee of the new Veterans' Affairs Committee, I have concluded that this is an unwise, unfair, and administratively burdensome situation. Thus, the bill I introduce today eliminates the need for this onerous adjudication process in the vast majority of the cases. Under the bill's standard, if the veteran has a dishonorable discharge he is automatically ineligible. The only cases that would still require adjudication would be other than dishonorable, honorable, or general discharge cases—that is, undesirable or bad conduct—where there was a suggestion of one of the absolute bars to benefits set forth in section 3103(a) of title 38, United States Code, which I do not propose to change at this time—namely, those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status.

The problem of drug addiction among returning veterans is really what has brought this matter to a head. Most all the veterans organizations and all outside authorities believe it is vital that the VA be authorized to provide treatment and rehabilitation to the thousands of men discharged with undesirable or bad conduct discharges because of drug abuse. I believe that strongly myself and am so proposing in separate legislation I will introduce next week. But I do not believe there is any rightful or logical distinction between the case of a veteran with one of those discharges and that of any veteran who has an undesirable or bad conduct discharge, the large preponderance of which are for AWOL's and involve veterans who probably should never have been inducted to begin with.

I believe those men need help—medical care for their service-connected disabilities and assistance in readjusting to civilian life. I believe the Nation will benefit greatly, as well as the veterans themselves, by offering them as much help as possible toward becoming productive, self-respecting citizens.

I believe we are ready to adopt this more enlightened and humane approach. At least, I very much hope so.

Mr. President, in closing, I wish again to make note of my appreciation to Chairman HARTKE for his joining with me in introducing this urgent measure.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point, followed by two recent newspaper articles pinpointing the returning veteran's readjustment and unemployment problems: "But No Right Jobs/Veterans Returning to Unhappy Jobs," by Duncan Spencer in the June 15, 1971, Washington Star, and "Death, Dope, No Job—Hi! Veteran," by Larry D. Hatfield in the June 6, 1971, San Francisco Examiner and Chronicle:

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 2091

A bill to provide additional readjustment assistance to veterans by providing improved job counseling, training, and placement service for veterans; by providing an employment preference for disabled veterans and veterans of the Vietnam era under contracts entered into by departments and agencies of the Federal Government for the procurement of goods and services; by providing for an action program within the departments and agencies of the Federal Government for the employment of disabled veterans and veterans of the Vietnam era; by providing a minimum amount that may be paid to ex-servicemen under the unemployment compensation law; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Employment and Readjustment Act of 1971".

JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE

SEC. 2. (a) Chapter 41 of title 38, United States Code, is amended to read as follows:

"Chapter 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

"Sec.
"2001. Definitions.
"2002. Purpose.
"2003. Assignment of veterans' employment representative.
"2004. Employees of local offices.
"2005. Cooperation of Federal agencies.
"2006. Estimate of funds for administration; authorization of appropriations.
"2007. Administrative controls; annual report.
"2008. Cooperation and coordination with the Veterans' Administration.

"§ 2001. DEFINITIONS

"For the purposes of this chapter—

"(1) the term 'eligible veteran' means a person who served in the active military, naval or air service during any war or after January 31, 1955, and who was discharged or released therefrom with other than a dishonorable discharge;

"(2) the term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"§ 2002. PURPOSE

"The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and that, to this end, policies shall be promulgated and administered, so as to provide such veterans the maximum of employment and training opportunities.

"§ 2003. ASSIGNMENT OF VETERANS' EMPLOYMENT REPRESENTATIVE

"The Secretary of Labor shall assign to each State a veterans' employment representative, and such assistant veterans' employment representatives as he shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purpose of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' counseling and placement policies through the public employment service and in cooperation with manpower and training programs administered by the Secretary in the State. In cooperation with the public employment service staff and the staffs of each such other program in the State, the veterans' employment representative and his assistants shall—

"(1) be functionally responsible for the supervision of the registration of eligible veterans in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans in employment and job training programs;

"(2) engage in job development and job advancement activities for eligible veterans, including maximum coordination with appropriate officials of the Veterans Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans with appropriate job and job training opportunities;

"(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veterans' particular qualifications with an available job or on-the-job training or apprenticeship opportunity which is commensurate with those qualifications;

"(4) promote the interest of employers and labor unions in employing eligible veterans and in conducting on-job training and apprenticeship programs for such veterans;

"(5) maintain regular contact with employers, labor unions, and training programs and veterans' organizations with a view to keeping them advised of eligible veterans available for employment and training and to keeping eligible veterans advised of opportunities for employment and training; and

"(6) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans.

"§ 2004. EMPLOYEES OF LOCAL OFFICES

"Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for veterans' employment representative and his assistants.

§ 2005. COOPERATION OF FEDERAL AGENCIES

"All Federal agencies shall furnish the Secretary of Labor such records, statistics, or information as he may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans.

"§ 2006. ESTIMATE OF FUNDS FOR ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS

"(a) The Secretary of Labor shall estimate the funds necessary for the proper and efficient administration of this chapter. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor.

"(b) There are hereby authorized to be appropriated such sums as the Congress shall determine to be necessary for the proper and efficient administration of this chapter.

"(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate required pursuant to subsection (a).

"(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections, except with the approval of the Secretary based on a demonstrated lack of need for such funds for such purposes.

"§ 2007. ADMINISTRATIVE CONTROLS; ANNUAL REPORTS

"(a) The Secretary of Labor shall establish administrative controls for the following purposes:

"(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance his employment prospects substantially, such as individual job development or employment counseling service.

"(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

"(b) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the number of recently discharged or released eligible veterans and other eligible veterans who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training under appropriate Federal law. The report shall also include any determination by the Secretary under section 2004 or 2005 of this title and a statement of the reasons for such determination.

"§ 2008. COOPERATION AND COORDINATION WITH THE VETERANS' ADMINISTRATION

"In carrying out his responsibilities under this chapter, the Secretary of Labor shall from time to time consult with the Administrator and keep him fully advised of activities carried out and data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Veterans' Administration."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement Service for Veterans ---------- 2001"

and inserting

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(c) The table of chapters at the beginning of part III of title 38, United States Code, is amended by striking out

"41. Job Counseling and Employment Placement service for Veterans ---------- 2001"

and inserting in lieu thereof

"41. Job Counseling, Training, and Placement Service for Veterans ---------- 2001".

(d) The amendments made by this section shall become effective ninety days after the enactment of this Act.

READJUSTMENT COUNSELING

SEC. 3. (a) Subchapter II of chapter 17 of title 18, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. ELIGIBILITY FOR READJUSTMENT MEDICAL COUNSELING

"The Administrator, within the limits of the Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military, naval or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such veteran in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding immediately below

"612. Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical assistance."

VETERANS' EMPLOYMENT PREFERENCE UNDER FEDERAL CONTRACTS

SEC. 4. (a) Any contract entered into by any department or agency for the purchase of goods or services for the Federal Government shall contain a provision requiring that, in employing persons to carry out such contract, the party contracting with the United States shall give a preference to disabled veterans and to veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the furnishing of goods or services to the United States. A contractor or subcontractor shall be required to give an employment preference to a veteran under this section for any job only if the veteran otherwise meets the qualification for such job. The President shall implement the provisions of this section by promulgating regulations within sixty days after the date of enactment of this Act.

(b) If any disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to granting employment preferences to veterans, such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred by such service to the Office of Federal Contract Compliance of that Department. That Office shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) As used in this section—

(1) The term "disabled veteran" means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

(2) The term "veteran of the Vietnam era" means any veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

(3) The term "department or agency" means any department or agency of the Federal Government and any federally owned corporation.

ACTION PLAN FOR THE FEDERAL EMPLOYMENT OF DISABLED AND VIETNAM ERA VETERANS

SEC. 5. (a) Part III of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 42—Employment of Disabled and Vietnam Era Veterans.

"Sec.

"2011. Definitions.

"2012. Action plan for employment of disabled and Vietnam era veterans.

"§ 2011. Definitions.

"As used in this chapter—

"(1) The term 'disabled veteran' means any veteran entitled to disability compensation under laws administered by the Veterans' Administration or a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty.

"(2) The term 'veteran of the Vietnam era' means say veteran who (A) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

"(3) The term 'department and agency' means any department or agency of the Federal Government and any federally owned corporation.

"§ 2012. Action plans for employment of disabled and Vietnam era veterans.

"(a) The Administrator, in consultation with the Secretary of Labor and the Civil Service Commission, shall establish an affirmative action plan providing for the preferential employment of disabled veterans and veterans of the Vietnam era by every department and agency. Such action plan shall be promulgated within 90 days after the date of enactment of this section and shall be published in the Federal Register.

"(b) Each department and agency shall be responsible for implementing the action plan promulgated under subsection (a) of this section and shall, within 60 days after the promulgation of such plan, issue such rules and regulations, adopt such procedures and policies, and make such exemptions and exceptions as may be consistent with law and necessary or appropriate to effectuate such action plan. Each department and agency shall consult with the Administrator in order to achieve such consistency and uniformity as may be feasible.

"(c) Each department and agency shall submit a report to the President each year on or before March 30 indicating the extent to which the action plan referred to in subsection (a) of this section has been imple-

mented by such department or agency during the immediately preceding calendar year. The President shall submit a report to the Congress each year on or before May 1 indicating the extent to which such action plan has been successful during such calendar year. The President shall include in such report statistics showing the extent to which each department and agency has complied with such action plan during the preceding calendar year."

(b) The table of chapters at the beginning of title 38, United States Code, is amended by adding at the end thereof a new item as follows:

"42. Employment of Disabled and Vietnam Era Veterans—2011".

(a) The table of chapters at the beginning of part III of title 38, United States Code, is amended by adding at the end thereof the following new item:

"42. Employment of Disabled and Vietnam Era—2011".

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

SEC. 6. (a) Paragraph (2) of section 8521 (a) of title 5, United States Code, is amended by striking out the semicolon at the end of such paragraph and inserting in lieu thereof a comma and the following: "but in specifying the pay and allowances for servicemen in pay grades of E–5 and under, the Secretary of Labor shall increase by $100 the monthly pay and allowances which would otherwise be specified for each such pay grade;".

SEC. 6. (b) Subchapter II of chapter 85 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8526. AUTHORITY TO DRAW AGAINST FUNDS FOR SUCCEEDING FISCAL YEAR

"Notwithstanding any other provision of law, if after December 31 of any fiscal year the Secretary of Labor determines that insufficient funds have been appropriated for the payment of unemployment compensation to ex-servicemen under this chapter, he is authorized to draw against the funds appropriated for such purpose for the succeeding fiscal year to the extent necessary to make timely payments of unemployment compensation to ex-servicemen required by this chapter."

(c) The table of sections at the beginning of chapter 85 of title 38, United States Code, is amended by adding at the end thereof the following:

"8526. Authority to draw against funds for succeeding fiscal year."

(d) The amendments made by this section shall become effective on the first day of the first calendar month which begins after the date of enactment of this Act.

ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER CERTAIN FEDERAL PROGRAMS

SEC. Any amounts received as pay or allowances by any person while serving on active duty in the military, naval or air service of the United States, and any period of time during which such person served on such active duty, and any amounts received under chapter 11, 13, 31, 34, or 35 of title 38, United States Code, by a veteran of any war (as defined in section 101 (12) of title 38, United States Code) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability, and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower training (or related) program financed in whole or in part with Federal funds.

FUNDS FOR THE VETERANS OUTREACH SERVICES PROGRAM FOR FISCAL YEAR 1972

SEC. 8. Notwithstanding any other provision of law, in addition to the sum of $17,295,000 appropriated to the Veterans' Administration for general operating expenses for carrying out, during the fiscal year ending June 30, 1972, the Veterans Outreach Services Program, provided for under subchapter IV of chapter 3 of title 38, United States Code, there is hereby reserved out of the funds appropriated to the Veterans' Administration for general operating expenses the additional sum of $12,539,000 for carrying out the Veterans Outreach Services Program during such fiscal year.

REDUCED AIR FARES FOR CERTAIN VETERANS

SEC. 9. The last sentence of section 403 (b) of the Federal Aviation Act of 1958 is amended by inserting immediately before "ministers of religion" the following: "persons who served in the active military, naval or air service and were released or discharged therefrom on or after August 5, 1964, with other than a dishonorable discharge for a period of one year following the date of such release or discharge and to".

[From the Evening Star, June 15, 1971]

BUT NO RIGHT JOBS

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job well in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veterans' Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better," Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 per hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson. Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

COULDN'T RESUME JOB

Previously a microfilm worker with the U.S. Passport Office, he was unable to get his job back after war service because he had held it less than 90 days before being drafted.

"Most of the guys said it wasn't hard finding a job, just go to the VA," he said. "Then when I got home, I found seven or eight guys, out of the service a couple of months, they couldn't get jobs either."

McNeill's attitude was like that of many other D.C. veterans. Someone told them their job troubles were over because they were veterans.

Cornell Talley's brother-in-law, sitting on the record player in the little apartment, had a little philosophy to offer.

"I told him he hadn't any use getting married the way things are now," he observed. "For a long time, Cornell would go out at 6 a.m. It was always the same thing—'You come back later,'" the brother-in-law said.

ON HIS OWN EARLY

At the age of 15, Talley was an assistant baker at the Hot Shoppes bakery here after leaving high school. Later he joined the job corps where he learned painting, and he was on his own with his own apartment early in life. "I never did mind working," he said, "but I don't like to work for nothing with no future in it."

There is a sort of righteous anger in Talley's talk, even though he's free to admit he was exposed to little danger while serving his country. "When a man comes back from the Army, he feels, you know, like he wants to make up for being away. And then he gets on that dead end road," he said.

"In Germany, I was an inventory clerk, I was a supply specialist, I could run a whole warehouse all by myself," Talley recalled, with some doubt in his voice. "I guess I'll just take that job, whatever, it is, and take it from there."

[From the San Francisco Examiner & Chronicle, June 6, 1971]

DEATH, DOPE, NO JOB—HI! VETERAN

(By Larry D. Hatfield)

They say it is a war without heroes.

They may not be heroes but they're American fighting men and they're coming home.

And although the vast majority slip quietly back into the civilian mainstream, many are coming home from Southeast Asia with problems—problems with drugs, jobs, broken bodies and simply adjusting to life again in the United States.

They are Frank Demarco and Steve Smith and Jim and Bill and Jesse Richards and Charles Turney and others like them. Here are some of them:

Steve Smith (not his real name) was born in Vallejo Sept. 17, 1950. He died in a dingy apartment 20 years, four months and 12 days later.

Good-looking, a fair athlete and an average student, Steve was graduated from high school in June, 1968, and after working on an uncle's ranch in Montana through the summer, he enlisted in the Army.

"It's what he wanted to do," his mother says. "He didn't have any thoughts about the war. He just didn't want to go to college and the Army seemed the thing to do."

Steve went to Vietnam as a "combat engineer" and was there for about a year before the Army quietly let him out just short of his 20th birthday and a year before he was due for discharge.

"He had a problem with heroin that started over there," his father said last week. "He didn't try to keep it from us—he really could not very well because of the Army business—but I think he really wanted to stop."

Steve moved back with his parents and five younger brothers and sisters in Vallejo, but he was different.

"I know it must sound odd for me to say it but one of the things I noticed most about how he had changed was that he went to Mass and confession after he came back," his mother said.

"He didn't go regularly before, you see. I don't know why that should bother me. I think he was having a hard time relating to whatever happened over there . . . either the war or the drugs."

His father added, "He didn't—wouldn't—talk much about the war. I remember once he said he didn't think the Vietnam people cared who was in charge as long as they were left alone. And once he told me about how easy it was to get drugs. He told me they sell it on the streets, right out in the open."

"SCARED WITHOUT IT"

Steve did want to kick his "smack" habit, his father says, "but I think he was really scared about getting along without it."

His father and a physician who was a family friend finally talked him into entering a private hospital for treatment of his addiction but the day before he was due to go in, he split.

A while later, his parents got a letter mailed in San Jose telling them he thought he could work out his heroin problem by himself

"He also said he was going to enter Santa Clara University," his mother said. "I think Steve thought that would assure us he was straightening out."

Two months after that, they got another letter from their son. It read:

"Dear Mother and Dad—There is no way I can explain to you what I've seen or what I've done. I can't even explain it to myself but you always said I was one of the denser types (ha! I didn't know I could laugh anymore). You won't understand what I have to do but I hope you can try. Or forget. Dad, you always said god looks after little dogs and lost children. My god, I hope you were right. Please forgive me. Love Steve."

Late in January. Steve turned up at a friend's apartment in Southern California. On Jan. 29, he stuck a gun in his mouth and pulled the trigger. Suicide.

* * * * *

Dr. Richard Seiden, an associate professor of behavioral science at UC Berkeley and an authority on suicides, says he has no figures on suicides among returned Vietnam veterans.

"I have no information that there is an 'epidemic' of suicides or anything like that," he said. "But the epidemic of heroin addiction certainly has self-destructive aspects to it."

Dave Wellisch, coordinator of psychiatric services at the Haight-Asbury Free Clinic, says many veterans who come there are hooked on heroin "are very suicidal."

"SUICIDE A WAY OUT"

"They don't have the street skill to round up enough to support the addiction they started on high grade stuff over there," Wellisch said, "and they get very suicidal. The trauma of Vietnam has really frightened these guys and heroin is a good way to put that to sleep."

Skip Gay, director of detoxification at the clinic, added that suicide may be the only way out for some of the heroin-addicted returnees:

"A lot of them are white middle-class individuals who are not sociologically attuned to going out and engaging in the day to day hustle to support their habit."

* * * * *

Frank Demarco survived. He didn't come back with a dope habit but he came back with a problem—memories of buddies "blown into a few little pieces" and the resulting hate for the people "we were supposed to be defending."

A native of The City and graduate of Daly City's Jefferson High, Demarco, 25, is now para-physician at Fort Miley Veterans Hospital. He was a Navy Corpsman and served with the First Marine Division near Da Nang in 1968 and 1969.

Unlike many returning veterans, he didn't have any trouble getting a job when he came back. "They need the people who were corpsmen over there to take care of all the torn up guys coming back," he said.

Demarco feels some guilt about what the war did to him. "When I was over there, I became very case-hardened. I am pretty easygoing, but I started to hate the Vietnamese people with a passion.

"I wanted to help them but after awhile, I realized these people didn't have any loyalties. They'd blow up a Marine then act as if you were their friend.

"We'd catch a little kid or an old lady planting a mine, then we'd go into their vill' (village) and the same people would treat us like they were friendly."

"VIETNAMIZATION ONLY WAY"

Demarco thinks President Nixon is the best possible man to have in the White House now. "I think the Vietnamization program is fantastic. It's the only way we can get out of there. I don't think it could go faster. The ARVN are not too good fighters."

"I'd vote for Nixon. I think his awareness about all the problems of the U.S. is very good. I think he tries to alleviate problems."

Although he has "readjusted" to civilian life, Vietnam still haunts Demarco part of the time.

"After awhile it gets to you . . . you see a couple of Marines get blown to bits and you can understand My Lai . . . yes, women and children too . . . I wanted to kill those people."

* * * * *

The Army Provost Marshal's office in Saigon has said there are 30,000 to 40,000 GI heroin addicts in Vietnam—one in 10 Americans there. The report has since been classified but some experts estimate the addiction rate as high as one in four.

Dr. Joel Fort, a Bay Area authority on drug addiction, thinks the U.S. is not dealing with the problem effectively.

"When you consider the way this war has been 'staffed,' the problem gets much bigger. Say that if in the 10 years we've been over there, we've sent three million people through there. If just 10 percent of them tuned on to heroin, that's 300,000 and that's a very conservative estimate. I think it is likely more than that."

He says the Army "is dealing with it in characteristic style, by (first) denying it exists . . . and then resorting to punishment. The Army and the government has not attacked the sources and it could easily do it in South Vietnam and Thailand.

"WITHDRAW ALL AID"

Fort called for withdrawal of "all military and economic aid from any government involved in heroin production."

Wellisch of the Free Clinic agrees and adds some other ominous information:

"We've had at least 200 returned veterans on heroin come to us in the last year. That's about 10 percent of the everybody we've seen here. But it's not just the veterans, it's their wives too. And it's getting worse."

Fort and Wellisch both said one of the major problems in dealing with the returning addicts is the fact that their addiction resulted from a much purer heroin than is available on the street here. "It is a much heavier addiction," Fort said.

Ironically, one of the relatively few attempts by the government to deal with the addiction problem is meeting only limited success.

The Palo Alto Veterans Hospital, which has pilot drug programs for veterans now under way, last week was putting out calls to street clinics to steer addicts to them.

Also, the Veterans Administration is negotiating with the Haight-Asbury Free Clinic

on a contract to treat addicted veterans. "The government is dealing with it any way they can," Wellisch said. "And they just don't know where to turn."

* * * * *

Vietnam isn't the only place GI's are getting hooked. Jim (he wouldn't give his last name because of his narcotics background) is a 23-year old Polytechnic High graduate who enlisted in the Air Force in 1966 "to get away from home."

He did tours in Thailand, Okinawa and Korea and picked up a trade as a jet engine mechanic. He also picked up a dope habit that recently was running him $40 a day and up.

Jim smoked a "few joints" in high school but didn't really turn on regularly until his service buddies introduced him to opium-soaked marihuana.

"A NICE ESCAPE"

"It was a nice escape," he said last week at a counseling session at the Free Clinic.

After Thailand and its steady supply of opium, Jim said, "I went to Okinawa and that's when my trip really started to fall apart. I got hung up on amphetamines for about six or seven months and got back into grass again . . . and acid (grass was cheap and acid went for $10 a tab)."

Officers as well as enlisted men partook, he said. "I had an officer who was an acid head and saw pilots who were grass heads. There was a psychiatrist who was a head and who was getting guys out of the service until they caught him."

He then turned to heroin. "I never got strung out but I was a heavy user. That's it. I came home and things started falling apart."

He returned to the Haight where he grew up "and I found some of my old high school friends on smack." This along with his trouble in finding a job and his parents' separation, promoted his own smack habit.

He's now married, has a parttime job and plans to go back to school. "I've got my head straightened out now. I do have something going for me and I always did. I wish I'd realized it sooner. I know now what I want to do."

HABIT IN KOREA

Bill, another veteran being counseled at the clinic, served from 1966 to 1968 and picked up his drug habit in Korea.

"I got turned on to grass . . . tried heroin a couple times (snorting, not mainlining) . . . and a lot of seconal . . . the prostitutes got it for the GIs but it was American-made pills."

When he was stationed in the southern part of South Korea, he said, "the brass got pretty hot about it. But up north (when he was stationed in the DMZ at Panmunjom), the brass was like your mother, they really didn't want to find out what you were smoking."

About 50 percent of the men in his unit were into drugs of some kind, he said.

Bill belonged to a military police unit.

* * * * *

Drug and psychological problems aren't the only things facing returning vets. Many can't find jobs, either.

"It's getting so whites are now having as much trouble as minorities finding jobs," says F. F. Bradley, contact officer at the VA's Veterans Assistance Center here. That means the job market is tight.

The Veterans Center does a superb job in finding veterans jobs and offering many other services, but Bradley says the tight job picture and San Francisco's limited size makes it difficult. "One thing is that 30 to 38 percent of the men coming in here are from out of state."

It has been suggested by some, particularly unemployed veterans, that prospective employers are turned off at the idea of hiring a Vietnam veteran.

"VETERANS PREFERRED"

E. W. Christensen, the VA's regional director, denies this, saying. "Employers are very interested in the Vietnam vet. Most employers have youngsters of their own and these veterans are a little more mature. The employers are not discriminating. In many cases, they prefer him."

Bradley says colleges also report the veteran makes the best student.

Christensen, while recognizing there are different types of problems facing Vietnam veterans than those which faced Korean and World War II vets, says he thinks the "profile" of the Vietnam vet is much the same as previous wars.

"A relatively small percentage of Vietnam veterans have serious problems in the long run," he says. "In this area, they are pretty much the solid citizen. By and large, I would say the problem percentage is relatively small."

(The Veterans Center at 49 Fourth St. offers job help and other assistance to veterans. The phone number is 556-3570. Similar services for vets from non-public agencies are available at Fort Help at 10th and Howard, phone 864-HELP.)

* * * * *

Jesse E. Richards, 20, grew up in Nashville and served in the Army from April 1968 to April 1971, 14 months of it in Vietnam.

He's out now, can't find a job and is bitter.

"It feels kind of bad," he said while waiting for an interview with a VA job placement counselor. "I served my country like all patriotic people are supposed to do and people won't hire me.

"People are screaming 'bring them home' but when they do, the same people will be screaming 'send them back.' "

He wants to be a cop but feels the San Francisco Police Department is showing preference to non-veterans.

The police department and other potential employers, Richards says, "look at someone from the 'mod generation' and say 'we'll take him.' But this one (the veteran), they say 'he's been overseas and might go beserk. Or he might have some disease.' I don't feel we're being treated right."

(Capt. George Eimil, director of recruiting for the police department, said the department does not discriminate against veterans.

("In fact," he said, "27 out of 51 graduates in the last (police cadet) class were veterans and 29 out of the 66 in training now are veterans." He said the department has no policy of preference for either veterans or non-veterans, adding: "Most of the veterans, as a matter of fact, turn out to be superior applicants because they have been exposed to the discipline of the services.")

"COME BACK TO NOTHING"

Richards' attractive wife, Janie, who also is looking for a job ("Unemployment is not enough to feed a dog," her husband says), added: "It's pretty bad. These guys lost so many years of their lives and then come back to nothing."

Young Richards says he'll take whatever job comes along. "I need one. I don't care what it is. But the interviewers kind of sit away from you and tell you in a roundabout way they don't really want you there.

"I've never taken drugs, except what doc gave me and that wasn't enough to make a fly drunk but I guess they figure you been over there, you're some kind of drug addict. They treat you like animals."

* * * * *

Charles Turney, 29, grew up in Columbus, Ohio, Detroit, Mich., and other places, and he has even more of a job problem than young Richards. He's black.

He served in the Marines from 1959 to 1965, got out, then went back into the Army in 1968 because "I just wanted a job."

Trained by the military as a draftsman, he served as a helicopter door gunner near the Cambodian border.

He got out last Sept. 5 and finally got temporary Christmas work at the Post Office. He was laid off on Christmas Eve. He then worked two months as a rod man on a survey team but the job ended.

JOBS ARE HARD TO FIND

"Since April, I've been to every major company in San Francisco looking for a job," he says. Currently, he's making do as a low-paid file clerk at the VA. The temporary job, he said, "is just something to keep me eating."

He blames his trouble more on the economy than on his color. "And when you tell someone you were on a hunter-killer team, they get sort of skeptical. You always get a good reception at the interview but they never call you back."

The war, he said, "was just a job to me." He has no strong opinion for or against it now but he thinks many critics here "just don't know what they're talking about."

He thinks maybe the troops are coming home too fast. "You come back and there's nothing here for us. One day you're in 'Nam, then in 24 hours you're over here, they process you and say 'bye and you have to make it."

By Mr. McGOVERN:

S. 2093. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. McGOVERN. Mr. President, fair prices for grain are basic to the farm price structure.

Consumers do not benefit through declines in grain prices. With the farmer receiving only 2 or 3 cents as his share of the loaf of bread, an increase in grain prices does not appreciably affect the cost of a loaf of bread or puffed wheat.

What is needed is a fair and stable grain price which will both help to keep farmers in business and at the same time provide for an ample reserve supply, not simply of grains alone, but also of meat, milk, and poultry.

Extreme variations in the price of live pork in recent months, with pigs bringing as little as $15 per hundredweight, did not mean lower pork prices for the consumer. However, these low prices did force many pig producers out of business.

An increase in cash corn prices saved some farmers, but this increase was due to shortages caused by the corn blight. Another saving factor has been a live cattle market which somehow refused to drop more than 15 percent.

There is considerable truth in the saying that cheap grain means cheap meat. The large increase in the number of pigs produced which caused the low pig prices can be traced back to cheap feed prices. Before the corn blight, the price of feed had dropped so low that farmers believed the only way they could master the situation was to increase pig production by feeding them their grain instead of marketing the grain.

In the first quarter of 1971, 22 percent more pigs were marketed than in the first quarter of 1970. This oversupply is declining. By July, the forecast is for only a 5- to 7-percent increase over 1970. In September, the supply will probably be 5 percent to 7 percent less than in Sep-

tember of 1970. Barrows and gilts yielded $21 to $22 per hundredweight in September of 1970 and should be back to that level this September.

However, there is a serious problem in the feed and hog situation which could lead to another period of overproduction of feed grains and cause the whole low-price cycle to return.

Under the set-aside farm program, farmers have planted some 10 to 11 million more acres than in 1970 as a hedge against the corn blight.

If the corn blight does not hit this year, we will have a tremendous oversupply of feed grain. There is some evidence the blight has returned, and while it is too early to predict how severe it will be, we do know there will be a sufficient supply of blight-resistant seed corn for the 1972 crop.

But if the blight does not come this year or if acres planted to crops stay at the same level in 1972, the result will be bankruptcy for thousands of farmers.

Corn prices are currently well above the loan level and prices of other feeds are comparable. But if the level of production we have set for 1971 comes through, we will have more feed grains than we will use, thereby adding a substantial quantity to stocks.

In 1966, we had both high exports and domestic use of feeds. The result was a reduction in our carryover stocks. Corn prices were well above the loan level. Following the cut in reserves, a larger crop was produced in 1967 which we thought would be added to the reserves.

But the moderately larger 1967 crop caused the market level to fall below the loan level for the first 5 months of the marketing year. The loan rate was $1.05 a bushel. The U.S. average price the first 5 months was $1.03, but the average for the year was $1.07 per bushel.

If we have a crop this year which meets our needs for feed grains and adds somewhat to the reserves, prices will again fall below the Government loan level.

I am tired of empty rhetoric about agriculture. Although I do applaud the recent attention that has been focused on the plight of farmers, we need some action now, this year.

I am introducing a bill which will put the price-support loans on feed grains and wheat up 25 percent in any year that the crop is expected to add to reserves, or carryover stocks. It would apply for this year's crops.

I would much prefer a bill which raised the minimum price-support level for wheat and feed grains by 25 percent as a permanent provision and then add 25 percent during years of reserve building. However, this bill is offered in the realm of what we might attain in view of the administration's low-price, high-volume policy.

This bill should not cause massive surpluses because the Secretary of Agriculture retains the authority to order a set-aside of up to 100 percent of the domestic allotment for wheat and 50 percent of the allotment for corn when he deems it advisable to limit production of those commodities. What it would do is protect both the farmer and consumer against wild price fluctuations.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 346

At the request of Mr. PEARSON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 346, a bill to encourage the development of new job-creating industries in rural areas.

S. 364

At the request of Mr. Moss, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 364, a bill to strengthen enforcement of the Flammable Fabrics Act and to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years in order to carry out the purpose of the act.

S. 831

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 831, the Personal Safety Firearms Act.

S. 1145

At the request of Mr. Moss, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1145, a bill to amend section 8332 of title 5, United States Code, to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes.

S. 1163

At the request of Mr. KENNEDY, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1163, the Nutrition Program for the Elderly Act.

S. 1305

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1305, a bill establishing a National Legal Services Corporation.

S. 1437

At the request of Mr. CANNON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1437, a bill to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

S. 1483

At the request of Mr. TALMADGE, the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of S. 1483, a bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, and for other purposes.

S. 1525

Mr. BEALL. Mr. President, on April 14, 1971, Senator MATHIAS, Senator HATFIELD and I introduced S. 1525, to provide for the expansion of the Antietam National Battlefield in the State of Maryland and for other purposes.

I am pleased that Senator GAYLORD NELSON has joined in cosponsoring this measure and I ask unanimous consent that at the next printing of the bill his name be added.

S. 1839 AND S. 1840

At the request of Mr. CANNON, the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. BENNETT), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. ALLOTT), the Senator from North Carolina (Mr. ERVIN), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Wyoming (Mr. HANSEN), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1839 and S. 1840, bills pertaining to the Federal Government's purchase of recycled materials.

S. 1985

At the request of Mr. WILLIAMS, the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from South Dakota Mr. McGOVERN), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1985, the Truth in Food Labeling Act.

S. 2037

At the request of Mr. CURTIS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2037, the Revenue Sharing for Public Assistance Act.

S. 2062

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2062, a bill to change the name of the Nebraska National Forest to the Samuel R. McKelvin National Forest.

SENATE CONCURRENT RESOLUTION 31—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971"

(Referred to the Committee on Rules and Administration.)

Mr. PELL (for himself and Mr. JORDAN of Idaho) submitted the following concurrent resolution (S. Con. Res. 31) which reads as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Federal and State Student Aid Programs, 1971", prepared by the Library of Congress for the Senate Committee on Labor and Public Welfare be printed as a Senate document; and that there by printed sixty-two thousand two hundred additional copies of such document, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives, ten thousand three hundred copies shall be for the use of the Senate, ten thousand

copies shall be for the use of the Senate Committee on Labor and Public Welfare, and four thousand copies shall be for the use of the House Committee on Education and Labor.

SEC. 2. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balances shall revert to the respective Senate and House document rooms.

HIGHER EDUCATION AMENDMENTS OF 1971—AMENDMENTS

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. WILLIAMS. Mr. President, in the last several months, the Education Subcommittee of the Labor and Public Welfare Committee, chaired by the distinguished junior Senator from Rhode Island (Mr. PELL) has been hearing testimony on the Higher Education Amendments of 1971. In this time, we have heard testimony from a great range of witnesses comparing aspects of various bills introduced by Senators PELL, PROUTY, MONDALE, JAVITS, HUMPHREY, DOMINICK, CHILES, and myself. Foremost in this testimony have been two critical problems: The need to alter and increase our commitment to alternate forms of student assistance, and the parallel need to provide some form of institutional aid to our colleges and universities.

Many alternate formulas to deal with both of these problems have already been suggested, all of which have received criticism from one group or another that have appeared before us. Because I believe that our decisionmaking process can only benefit from this criticism and exchange of ideas, I am today introducing three amendments to S. 659, so that we may consider a number of problems that the proposed legislation has not yet dealt with. These three amendments propose changes to the institutional aid formula, the student assistance formula and to title VII, for construction of facilities. I would like to take some time to explain each of these amendments.

INSTITUTIONAL AID

For some time now, thoughtful leaders in the field of education have been concerned over what appears to be an approaching crisis in our institutions of higher learning. In a report commissioned by the Carnegie Commission in late 1968, that commission reported the following:

> Although the financial impacts have differed, most institutions have by now had to absorb so many of . . . pressures that formerly available margins in facilities and resources have been depleted. These institutions are now being forced to choose among the alternatives of limiting enrollments, raising tuition fees, postponing expansion and new programs, or allowing quality to deteriorate. These alternatives are already being employed in varying degrees throughout higher education.

This statement has since been well documented by further studies, reports from universities around the country, and by various groups that have testified before us here in the Senate. In a striking series of hearings held before the Education Subcommittee, chaired by my good friend and colleague, the distinguished junior Senator from Rhode Island, we have been further impressed that this crisis affects all schools, private and public, college and university, 2-year and 4-year.

While our public institutions are under greater strain, because of a need to keep tuitions as low as possible, because of tight State budgets and because of the inability to rely on individual contributions, we are finding that the private universities and colleges of this country that have contributed so much to this country's history are having to cut back on enrollments, and delve into capital funds to keep their institutions running. For example, the American Council on Education has reported that in New York State alone, the five largest universities have invaded their capital funds to the sum of $77 million. This situation has been worsened by the cutback in foundation and Federal Government support for grants and research which for so long had eased the problem of increasing enrollments in undergraduate and graduate curriculums for private institutions by freeing funds to be used for other purposes.

Facing this problem, I believe that we in the Senate have come to believe that the Federal Government must take up a greater proportion of financial support to institutions, and that we have a greater responsibility to support our higher educational system than the 20 percent of total support which is the current Federal contribution.

Immediate action to provide this institutional support has been delayed, however, by increasing agreement on the need for reform within higher education itself. The Carnegie Commission in its series of reports has come down hard on the need to provide greater equality of opportunity for all of our young people, and for the need to provide a greater diversity of educational styles and forms for all of our population. Most recently, the Newman Task Force has cautioned us further about the need for reform, and that the simple expansion of the present system of higher education "will not provide meaningful education for the ever-broader spectrum of students gaining entrance." Thus, while this report adamently supports and encourages the Federal Government to increase access for disadvantaged students and to make it easier for these students to go to school, it likewise warns us that our present system of education is not adequate for this task and that we must encourage diversity of public and private institutions. Higher education must become more sensitive to public concern and public needs for education.

Mr. President, we have come to realize that the crisis in higher education finance requires the Federal Government to provide substantial institutional support for all of our universities and colleges. It is incumbent upon us not only to provide this substantial support so that our schools may continue to give quality education, but to search for formulas for this aid that may both encourage and support reform within higher education, while insuring a flexible structure and a suitable relationship among all levels of government and the university.

Several higher education associations and other interested individuals that have appeared before the Education Subcommittee have presented testimony which provides guidelines for institutional aid that we might examine. They suggest:

That all institutions be able to take advantage of a Federal program of institutional support;

That the formula be simple so that it is easily applied and bypasses the difficulty of determining costs of higher education;

That the formula assist both graduate and undergraduate education;

That the formula encourage schools to enroll the disadvantaged and lower income students;

That the formula encourage diversity in form of education;

That the formula must not provide "across-the-board" aid, but offer incentives to schools to accommodate the needs of students and society as a whole; and

That the formula be assessed as to the future implications of any structure created, and the future relationship between local, State, and Federal governments and the institution.

These are hard guidelines to meet, and no formula will meet them all equally well. They do, however, provide us with a set of goals toward which to work, and against which to measure our achievement. In view of these guidelines, I would like to offer for the Senate's consideration a formula which appears to deal effectively with the parallel problems of the need for institutional aid and the need for reform within higher education. I propose that—

First. For the first 2 years of undergraduate education, the college or university receive $1,000 per student per year for each full-time student or full-time equivalent receiving the "basic opportunity grant" under S. 659.

Second. That the college or university receive $300 per individual who receives a baccalaureate or equivalent degree.

Third. That the university receive $200 per graduate student enrolled in 12 hours of course work, and $100 per student who receives a terminal graduate degree.

This formula would provide aid to all institutions, for both graduate and undergraduate instruction, and would be fairly simple to administer. By tying the grant to the students receiving "basic opportunity grants" for the first 2 years, the formula would encourage schools to enroll lower- and lower-middle-income students and would create a competitive factor among schools, thereby increasing access to all forms of quality education institutions for these students. The grant for these first 2 years would be higher than in later years in order to pay institutions for the higher cost of instruction for disadvantaged students, and to help them provide supportive and remedial educational services. Finally, by tying the grant to the student, the formula would encourage institutions to alter their curricula, and give them incentives to reform in order to be more responsive to these students.

By providing an additional grant to an institution for every baccalaureate graduate, the formula recognizes the expense to the university or college of providing quality education to its students, and for investing resources in curricula and improvement of teaching. It encourages an institution to give greater attention to its continuing student body, to be responsive to the students' needs and demands. It also provides an incentive to the institution to follow the disadvantaged student and to be sensitive to his probems in continuing higher education.

By providing support for graduate instruction in the two-page formula, the university woud be rewarded for providing graduate education broadly to those students wishing to continue their education beyond the baccalaureate degree, and additionally be encouraged to be responsive to their graduate students' progress toward an advanced degree.

This formula is appealing because it not only recognizes the financial crisis of the universities and colleges and responds generously to that crisis, but pays a university or college for reforming itself, and gives it a stake in responding quickly and adequately to the need for wider access and greater diversity in higher education. The mechanism that it sets up for the first 2 years of undergraduate training coincides with the thinking behind other formulas here in the Senate and the priorities set by the administration to increase access for the low- and lower middle-income student, by tying those grants only to the student. It likewise avoids the criticism made of an "across-the-board" grant that it would allocate scarce resources to all institutions without regard to which programs and which institutions are suffering the greatest deficit or without regard to which institutions are performing the most needed national services.

The second stage of the formula is more subtle. It would provide grants to an institution for each graduate it produces. Some criticism may be raised to this proposal suggesting that universities and colleges will be encouraged to avoid quality control, and simply produce and graduate as many students as possible.

My response to this critism is threefold. First, I think that we have to rely on the university's or college's dedication to the search for knowledge, and to assume that this preeminent standard which has been the rationale for education for generations will not be abandoned, because we are offering a minimal grant for each graduate produced. Second, there are other sources of control within the higher education institution itself which militate against such a reduction in quality. I cannot imagine, for instance, that a department of faculty members devoted to imparting knowledge would agree to reduce standards in their discipline in order that this institution might receive an additional minimal grant. Those faculty members have too great a stake in their field and in the training that they have undergone and are passing on to their students to agree to such a reduction. I think the very pride that most of these members have, in their own profession and that they have in themselves will work against this outcome.

Finally, I believe that the students who are receiving this education will play a great role in preventing such an outcome. For to assume that this reduction of standards will come to pass, also assumes that most students care not at all about the quality of education that they are receiving. I think that our recent experience with student discontent in higher education suggests the contrary. More to the point, it is the large institutions in higher education that would be most open to this criticism because of the large numbers that they educate. Yet, it is these very institutions where students have been most concerned over the quality of education that they are receiving, and the virtual anonymity of the process that they undergo for 4 years. It is also these same institutions where the separation rate is high in the first 2 years, because of the lack of individualized attention. It seems reasonable that this formula would encourage these institutions to be both more attentive to the quality of education that they provide, and responsive to the needs and complaints of their students.

Furthermore, Mr. President, when Secretary Richardson appeared before the subcommittee on June 9, he did not propose a formula for institutional aid, but suggested a series of guidelines for the Senate to consider in making their difficult decision on institutional aid. I believe that this formula responds to all of those guidelines in a sensitive and responsible way. Secretary Richardson proposed that—

Institutional aid should be related to the effort an institution was making in performing recognized national purposes;

Aid should support those institutions most in trouble;

Aid should not produce major reallocation in aid that has traditionally gone to institutions from other sources; and

Aid should not impose a uniform bias as to how higher education should be provided.

Because the formula that I have proposed provides some aid to all institutions, and for all levels of education, it avoids imposing a bias for a particular form of education, and will provide aid to those institutions most in difficulty. However, the bulk of the aid will go to those institutions which have responded to the need of increasing access for students who have previously had trouble in financing their education.

In summary, Mr. President, I believe that this formula very much deserves the attention of the Senate. I enter it today as an amendment to S. 659, the Higher Education Amendments of 1971, for the purpose of consideration and debate by the Senate as a method of easing the financial crisis in higher education, and a first step toward reform and change of our institutions.

Second, I am proposing an amendment to the student assistance formula that increases the highest level of the "basic opportunity grant" from $1,200 to $1,500.

I offer this amendment because I believe we need to investigate further whether the limit which we have focused on in the past actually provides aid for all of the students who need it.

I believe that we have agreed, Mr. President, that students from the lowest income groups presently are disadvantaged in their opportunities for higher education. We have agreed that they should be given a basic grant to be used for their education, and that universities should be encouraged to open their doors to these students and to lower middle-income students. But in doing this, we must not lose sight of the fact that middle-income students are having an increasingly difficult time in paying the cost of higher education. Our primary goal is to increase access and opportunity to higher education, but in pursuing this goal, we must insure that we are not producing undue hardship for students who are just over the limits that we have established. I am including, as an example, one set of data from an article in Financial Aid News, August 1970, written by Edward Sanders and James Nelson of the College Entrance Examination Board staff.

These authors have estimated distribution of Federal student aid by family income, using averages of educational costs for low- and average-priced institutions, and for private institutions. These cost figures are $1,700, $2,160, and $2,950, respectively. The following two tables from the article are informative. The first calculates estimated deficits in resources to meet college costs when only Federal funds and estimated family contribution are included as student aid. As table 1 indicates, even with Federal aid, low-income students have difficulty paying the costs of education. But all students from $0 to $15,000 have difficulty paying the costs of private institutions, and students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive:

TABLE 1.—ESTIMATED DEFICIT IN RESOURCES NECESSARY TO MEET COLLEGE COSTS

Income group	Average total funds from EOG, NDSL, GLP, CWS, college job, added to family contribution [1]	Deficit according to type of college		
		Low-priced ($1,700)	Average ($2,160)	Private ($2,950)
$0 to $2,999	$908	$792	$1,252	$2,042
$3,000 to $5,999	$622	1,078	1,535	2,328
$6,000 to $8,999	$308+$400	992	1,452	2,240
$9,000 to $11,999	$298+$1,000	402	862	1,758
$12,000 to $14,999	$182+$1,560	0	718	1,202
$15,000 and over	$0+$2,200 to $3,000	0	0	2

[1] Based on parent contribution expected by the College Scholarship Service for families with 2 or 3 children.

When these deficits are discounted for aid received from other sources such as universities, corporations, social security, and the GI bill, some of this problem disappears, but it does not vanish completely. Note that table 2 only calculates deficits for average cost institutions—not for private institutions. Once again, it is reasonable to conclude that students from $3,000 to $9,000 have difficulties disproportionate to the aid they receive, that they are priced out of private institutions and that even students up to $15,000 income are priced out of private institutions.

TABLE 2.—ESTIMATES OF THE 1969-70 PER STUDENT FINANCIAL AID DEFICT FOR UNDERGRADUATES

Income group	Total EOG, loans, and work	Institutional, State, and corporate grants	Social security and GI bill	CSS expected parent contribution	Total assistance available	Deficit at college of average cost ($2,160)
0 to $2,999	$908	$194	$560	0	$1,662	−$498
$3,000 to $5,999	622	160	290	0	1,072	−1,088
$6,000 to $8,999	305	60	104	$400	869	−1,291
$9,000 to $11,999	298	81	84	1,000	1,463	−697
$12,000 to $14,999	182	94	74	1,560	1,910	−250
$15,000+	24	0	0	2,200	0	0

This data alone produces enough questions about level of adequate student support to suggest that further consideration is necessary for the student aid formula. Before we make a decision that will have great impact on our educational system, I believe we should question the flexibility of the formula we are undertaking. Does the formula take account of differences in costs in different geographic areas, does it provide enough leeway for special circumstances, does it in fact accomplish what we want it to accomplish? The formula that we have been considering will not provide answers to the deficit figures that I have cited above.

And these figures are for the 1969–70 academic year. Testimony that we have had from higher education associations show these figures are not remaining stable, but are on the increase. Reports from the American Association of State Colleges and Universities' 275 member schools show that the median total cost for the 1970–71 academic year has risen 8.87 percent over the previous year's total cost for in-State students and 6.03 percent for out-of-State students. Similar reports from the 113 members of the National Association of State Universities and Land-Grant Colleges indicate that the median total cost rise for in-State students for 1970–71 was 6.09 percent, with a rise of 7.37 percent for out-of-State students. More alarming is the estimate of increases for NASULGC members for the 1971–72 academic year. They estimate that the median percentage increase for tuition charges to resident students will be a high 18.8 percent and the median percentage increase for required fees will be 18.1 percent.

These increases are for public institutions. Data from private schools are not much different. The Association of American Colleges' report, "The Red and the Black" shows that although these schools have had a 40-percent tuition income rise in 1970–71 over 1967–68, they expect a continuing significant rise in tuition because of a declining pool of applicants for admission. To give you an idea of what these tuition increases look like across the country, let me quote the following figures to you:

TUITION INCREASES FROM 1968-69 TO 1971-72

	1968-69	1971-72
Bodin College	$2,200	$2,700
Chicago	2,100	2,475
Duquesne	1,400	2,000
Cornell	2,200	2,800
Princeton	2,150	2,800
Stanford	1,920	2,610
Knox	2,010	2,606

These are just tuition rises; adding on fees, and room, and board would increase the figures substantially.

In the face of these rising costs, students are less able to support themselves than ever before, because of the economic slump. I have had letters from students all over the country, as I am sure have the rest of my colleagues, reporting that they are having great difficulty finding summer jobs which would provide money needed for the coming academic year. We also know from student financial aids' officers that part-time jobs during the academic year are on the decline.

Mr. President, I believe that these figures demonstrate a clear need for a close look at the student financial aid formula. I am offering this amendment because I do not believe that the present formula will help all of the students who are in need of help, or will help them in a way that will be meaningful in comparison to their increasing expenses.

CONSTRUCTION

Finally, I am offering an amendment to encourage institutions to apply for renovation funds for their facilities, instead of relying on new building programs. I do this, because many institutions have reported to me that they have had difficulty getting funds for renovation moneys in order to replace and refurbish completely adequate structures.

Although the language within the Higher Education Facilities Act, which will now become title VII of the Higher Education Act, allows for "rehabilitation, alteration, conversion, or improvement" or any combination of two of these, I am introducing an amendment to include the word "restoration" in this listing, and will request that the committee write into its report that moneys are to be allowed for restoration and renovation wherever possible, in order to make the intent of this language clear.

Mr. President, I ask unanimous consent that the three amendments be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 167

On page 28, beginning with line 6, strike out all through line 13, and insert in lieu thereof the following:

"SEC. 409. (a) In addition to the amounts paid to institutions for supplementary grants the Commissioner shall pay to each eligible institution for each academic year a cost of instruction allowance which is equal to the total of

"(1) the product obtained by multiplying $ times the number of students in full-time attendance (including the full-time equivalent of the part-time attendance for credit) at such institution during such year who are receiving a basic opportunity grant under this title;

"(2) the product obtained by multiplying $ by the number of students who are awarded baccalaureate degrees (or an equivalent degree) by such institution in such year;

"(3) the product obtained by multiplying $ by the number of students who are awarded graduate degrees (not including any honorary degree) by such institution in such year; and

"(4) the product obtained by multiplying $ times the average full-time enrollment (including the full-time equivalent of the part-time enrollment for credit) during such year.

"(b) No Payment under this section may be made to, or used to support, a school or department of divinity. For purposes of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to be ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

AMENDMENT No. 168

On page 23, line 22, strike out "$1200" and insert in lieu thereof "$1500".

AMENDMENT No. 169

On page 88, line 5, insert a comma and the word "restoration" after "rehabilitation".

FEDERALLY GUARANTEED LOANS TO CERTAIN FIRMS—AMENDMENT

AMENDMENT NO. 170

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment to be proposed by him to S. 1641, a bill to provide federally guaranteed loans to necessitous firms which are affected with the public interest.

EMERGENCY LOAN GUARANTEE ACT OF 1971—AMENDMENT

AMENDMENT NO. 171

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. JAVITS submitted an amendment intended to be proposed by him to S. 1891, a bill to authorize emergency loan guarantees to major business enterprises.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENT

AMENDMENT NO. 172

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 173

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, I send to the desk an amendment to H.R. 6531.

The amendment declares a policy of strict U.S. neutrality in the forthcoming South Vietnamese elections and establishes a congressional commission to keep the Congress informed and help implement the policy of neutrality. The bipartisan 10-member commission, supported by a Vietnamese speaking staff, would be in place in South Vietnam at the earliest possible date, charged also with the duty of helping assure the South Vietnamese of our neutrality. The amendment expresses the sense of the Congress that any South Vietnamese regime which acquires or retains power through corrupt or coercive means shall be ineligible to receive U.S. military assistance. It is identical, except for technical changes, to Senate Concurrent Resolution 17, which I introduced with 12 cosponsors on April 5, 1971.

I bring this matter before the Senate now because recent developments indicate that the Congress needs an independent, reliable source of information about our involvement in the forthcoming elections. Press censorship, political arrests, laws to keep candidates off the ballot—all of these occur not on election day, but months before. If we want to know whether the United States is involved in irregularities of this kind, and if we want to convince the South Vietnamese that we are committed to a policy of neutrality toward the forthcoming elections, the way to do it is by establishing an independent congressional commission now.

A decade of war does not need to be crowned with apparent U.S. complicity in a rigged election. After all our protestations about self-determination for the South Vietnamese, we need not be perceived as dictating the outcome of this last Presidential election during our military involvement.

That is the purpose of the resolution—to diminish those risks for ourselves and the South Vietnamese and give them a chance to choose a government before we leave. Whomever the election victors are, they would be better able to deal with the North and govern if they come to power with an appearance of South Vietnamese support, instead of U.S. support.

Earlier this week, I asked Dr. Chester L. Cooper, Director of the Institute for Defense Analyses and author of "The Lost Crusade" for his opinion of the desirability of a congressional commission and the need to establish it now. Dr. Cooper, who recently returned from a 4-week tour of South Vietnam, replied that—

> The sooner a Commission along the lines you propose can be established, the more effective it will be.

I ask unanimous consent that Dr. Cooper's sober and balanced analysis of U.S. policy vis-a-vis the forthcoming elections be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHEVY CHASE, MD.,
June 17, 1971.

HON. ADLAI E. STEVENSON, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: I am responding to your letter of June 16 in which you ask for my views with respect to the desirability of organizing a Congressional Commission to observe and report on American actions which might influence the course of the forthcoming elections in Vietnam. As you may know, I feel strongly that the Administration has an obligation to both the American and the Vietnamese people to do everything possible to insure that those elections reflect a free and unfettered choice. It would, of course, be unrealistic to expect that elections in Vietnam, or, indeed, in most countries of the world and even in many parts of the United States, can meet the highest standards of an ideal democracy. Nonetheless, our Government, for more than a decade, has related American assistance to South Vietnam to the objective of free choice. It now has a responsibility to insure that the modalities of the forthcoming campaign and the election itself are as fair as possible, recognizing, of course, the limitations imposed by war and dislocation, difficulties of communication and the inadequacies of the mass media in Vietnam.

There are two separate but not unrelated aspects to the problems of a free election:

An American posture and behavior which is scrupulously neutral with respect to the opposing candidates. We must not only be neutral. Like Caesar's wife, we must be Vietnam and in the United States, to be neutral. Like Caesar's wife, we must be "above suspicion."

The United States should use whatever influence it has to assure that the Saigon Government takes the necessary steps, both during the election campaign and on election day, to assure a genuinely free choice. From many points of view it would be desirable if the Vietnamese and the American people were made aware of American efforts in this direction.

It is my understanding that the Commission you propose would be directed toward the first objective. This is laudable and practicable, but I hope that some strong expression of a Congressional interest in the second will also be made clear to both the Administration and the Government in Saigon.

The sooner a Commission along the lines you propose can be established, the more effective it will be. Not only President Thieu but the other presidential candidates as well as aspirants for seats in tht Lower and Upper Houses, should be aware at the outset of their campaigns that the United States will adopt a strictly neutral stance and will cooperate with anyone chosen through a free and fair election. The longer this issue remains in doubt, the more poisonous the atmosphere of the campaign and the greater the chance of opposition candidates stirring up a popular sense of suspicion and hostility with regard to the United States. Over and above this, I would think it would be to Thieu's advantage to be able to make a credible claim that he is not the chosen instrument, or even a puppet of Washington.

The task of the Commission, as I understand it, is clearcut and practicable. The existence of directives to American personnel in Saigon and in the provinces to adopt a strictly hands-off attitude is easily enough determined. More difficult, but still not unduly complicated, would be the task of ascertaining that these directives were adhered to. One assumes, of course, that the Commission's staff would operate with discretion and tact. It should not give the impression that they are a group of "private eyes" snooping into areas of policy or conduct that go well beyond their charter or terms of reference. They will need the cooperation of the Americans in Vietnam and will be unable to do their job without it.

The principal difficulty the Commission will encounter, I believe, will be in separating its narrow function relating to American activities from the broader function of monitoring the election process in general. Arrangements for a careful and effective observation of the election process, involves responsibilities, resources and procedures that go well beyond those of the Commission you are proposing. Moreover, it would entail receiving the formal agreement and the active cooperation of the Saigon Government which I do not think is necessary in the case of a Commission geared primarily to observing American conduct in connection with the election.

In sum, the Commission you propose could have a useful purpose and might have a wholesome, if indirect, effect on the broader issue of free choice in Vietnam. Its early establishment would increase its chances of success. I am sure you would agree that, in itself, the Commission could not exert a significant influence on the modalities of the campaign or the voting process as conducted by the Vietnamese, nor would it be able to pass confident judgment on the credibility of that election.

Sincerely,

CHESTER L. COOPER.

AMENDMENTS 174 THROUGH 197

(Ordered to be printed and to lie on the table.)

Mr. McGOVERN (for himself and Mr. HATFIELD) submitted 24 amendments intended to be proposed by them, jointly, to the bill (H.R. 6531), supra.

SUGAR ACT AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 198

(Ordered to be printed and referred to the Committee on Finance.)

Mr. KENNEDY. Mr. President, for myself and Senators BAYH, BROOKE, CRANSTON, HART, JAVITS, McGOVERN, PELL, TUNNEY, and WILLIAMS, I am introducing for appropriate reference an amendment to H.R. 8866, the Sugar Act Amendments of 1971, approved by the House of Representatives on June 10. The purpose of my amendment is to terminate the sugar quota that the United States currently allocates to the Republic of South Africa.

I am firmly convinced that there is no moral or economic justification for the continuation of this $5 million annual subsidy to a Nation that intensifies a system of indignities and human repression that is repugnant to every principle that America stands for. Morally, the case against South Africa is clear and well known to all of us in the Senate. No one in that Republic is free from the savagery of degradation and submission if he is black. The scars of the 1960 Sharpsville massacre still rest heavily on the conscience of all who believe in human justice—South Africa has enslaved its citizens in a system that dehumanizes blacks and distorts the true meaning of life for whites.

Here in the United States, we have long recognized these grave failings in that country's official practices. We have even established policies that claim to insure that our Government will not engage in commerce with such an unjust regime.

Mr. President, I am calling today for the United States to stand behind that pledge.

As the letter from the chairman of the House Agriculture Committee to the nations applying for a sugar quota makes clear, sugar quotas will be extended only to nations that exercise friendly relations with the United States. Specifically, there must be a policy of nondiscrimination against U.S. citizens in the quota country.

We know, however that there is discrimination against U.S. citizens in South Africa. Such discrimination is directly associated with the apartheid system. The most publicized cases of discrimination involve black Americans and others who are public critics of apartheid. Arthur Ashe, Dr. Martin Luther King, Louis Armstrong, and just last month, the Very Reverend Francis B. Sayre, Jr., Bishop William Creighton, and Judge William Booth have all been denied humane treatment at the hands of the South African Government.

In 1967, the Secretary of Defense instructed the commanding officer of the aircraft carrier, *Franklin D. Roosevelt,* to allow his men ashore in South Africa only for activities not subject to apartheid. As a result of this directive, all personnel on board that vessel had no option but to remain on the carrier—there were no activities in South Africa free from the repressive regulations imposed by apartheid.

Over the past 8 years, South Africa has received over $25 million in special subsidies under the Sugar Act. We in this Congress cannot, in good faith, continue to grant such a nation any economic windfall.

Economically, South Africa can demonstrate no reasonable argument that its sugar quota is vital to the well being of the nation's stability. Each year South Africa is guaranteed payment for 60,000 tons of sugar in exports to the United States, a guarantee worth $5 million for that nation's treasury.

Moreover, as interpreted by the House Committee on Agriculture, the U.S. sugar quota has as one of its principal purposes the offer of assistance to underdeveloped countries. While $5 million cannot be termed a significant sum to a nation like South Africa with a gross national product of $20 billion, no country, whether a developing nation or otherwise, would give up its claim to such an attractive bonus.

No argument can be made that South Africa needs to participate in the premium priced sugar market in the United States. South Africa has no significant dependence on sugar as a source of foreign exchange. At recent hearings on the Sugar Act, South Africa's own counsel testified that—

> Sugar exports represent a small percentage of the total South African exports to the world.

In fact, South Africa's sugar exports amount to less than 3 percent of her total export shipments.

Since the United States has established a world quota of sugar production amounting only to 5 million tons for all countries, it makes sense to equitably distribute that amount to those nations that depend heavily on sugar for its exports. For a nation like South Africa, where exports of its agricultural products account for only 10 percent of all of its export shipments, and where sugar is less than a third of that figure, it is impossible to contend that such a nation deserves the benefits or the protection afforded by the quota.

Mr. President, I first introduced legislation to withdraw South Africa's sugar quota in April 1969. Again on January 26, 1971, I introduced similar legislation.

Today, once again on behalf of nine other Senators and myself I am presenting a measure that will bring an end to the needless and undeserving support the United States grants to the Republic of South Africa.

Although, the withdrawal of the sugar subsidy could not be realistically expected to have a significant impact on the economy of South Africa or its policy of apartheid, it is an important sanction against a regime that opposes all that we in this country stand for. Withdrawing the sugar quota for South Africa is one move toward moral leadership that we must take.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

James R. Laffoon, of California, to be U.S. marshal, southern district of California, for the term of 4 years, vice Donald B. Hill, resigned; and

John Stevens Lieb, of Wisconsin, to be an examiner in chief, U.S. Patent Office, vice Louis F. Kreek, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 29, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON S. 674

Mr. BAYH. Mr. President, as chairman of the Subcommittee to Investigate Juvenile Delinquency, I wish to announce hearings on S. 674, "to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II."

These hearings have been scheduled for July 14 and July 15, 1971, at 10 a.m., in room 2228, New Senate Office Building, Judiciary hearing room, Washington, D.C.

The Department of Justice has initiated administrative procedures to transfer amphetamines and methamphetamines from schedule III to schedule II recently. However, the subcommittee is concerned that it has not included the methlphenidate and phenmetrazine in its proposed action.

In addition, I am concerned that this rescheduling might be unduly delayed and for this reason feel it necessary in holding these public hearings as expeditiously as possible.

Those presently invited to testify are Hon. CLAUDE PEPPER, chairman, House Select Committee on Crime; Dr. Charles C. Edwards, Commissioner, Food and Drug Administration; Mr. John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice; Dr. Maurice Seevers, University of Michigan School of Medicine, Department of Pharmacology; and representatives of companies producing these drugs.

Those who wish to testify or file statements for inclusion in the RECORD of the hearings should communicate as soon as possible with Mr. Lawrence Speiser, staff director and chief counsel of the subcommittee, room 302, Senate annex, 225–2951.

NOTICE OF HEARINGS CONCERNING UNEMPLOYMENT OF VETERANS

Mr. EAGLETON. Mr. President, in the Tuesday, June 15, 1971, edition of the Washington Evening Star, there is an article by Duncan Spencer entitled "No Right Job," concerning problems that veterans are having finding employment within the District of Columbia. Mr. President, I ask unanimous consent that this article be printed at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO RIGHT JOB

(By Duncan Spencer)

Cornell Talley could get a job, sure. Dishwasher, bus boy, security guard. It's only that he was in charge of an entire warehouse operation in the Army, and he can't get used to the idea of a life scraping plates.

So Talley is out of work at the age of 23, as are a lot of others whose last employment was military. He's been in the same boat as about 2,000 other young men in Washington for seven months, and it's beginning to show.

Because Talley is no problem individual—he's the guy who did his job in the service, got an honorable discharge, managed to avoid getting blown up in Vietnam, came back to

his family and started his life over again where he thought it left off.

"When I got out of the service, I had about $2,000 saved up" said Talley. "Maybe that was my mistake."

Talley, unmarried, tall and slender, gestures uneasily as he talks; he hopes for two things: to finish school, which he left at the 11th grade, and to find a living with a future.

It amazes him, now, that he might suddenly find Cornell Talley walking down what he calls "a dead-end road." He has an uncomfortable feeling he is watching himself in the mirror, and the image is doing things he would not choose.

Last week he was thinking over his experiences since November, and he said without money he'd come out with, he might have been forced to get a job immediately, instead of taking it slowly, looking carefully at his future.

He is living with his sister and her husband in a small apartment far out Benning Road. Without a car, he travels into town with his brother-in-law, a drywall mechanic, and begins fishing for work each weekday morning.

So far, he has made application to a tractor-trailer school, a heavy equipment school, a computer school, the Post Office, D.C. Transit. He has seen close to a dozen businesses.

And he has been offered work by his father, a small independent contractor, and his older brother, a Safeway store manager on Benning Road, has assured him a start in that organization.

But Talley's problem is that he has higher expectations after serving in the Army in Vietnam and Germany, and he also needs money to get by the first few weeks of school or training until a regular stipend from the Veteran's Administration is approved.

The comfortable pad of money he brought home disappeared within five months.

"Once I hit the city, I put the money in the bank. Let's face it, I didn't want to go to work right away. I was going to check up on the VA schools," he said.

He wasn't worried about the job situation, he said. "They told me that Vietnam vets have first preference. First, I wanted to be a mail carrier and go to school at night."

The first surprise was being told there were no openings at the Post Office. Others followed.

So last week, his money gone and only 7 weeks eligibility remaining on his unemployment compensation payment of $47 a week, Talley went down to the Jobs for Veterans Office at 6th Street and Pennsylvania Avenue NW, the place to which most job-seeking vets eventually turn.

There, in the Unemployment Security Building, about 1,000 per month are interviewed, questioned, given a list of possibles and sent out again. Says William Syphax, Jr., the World War II Air Force veteran who is state representative for the District, "I better be careful about this. In the past this city has never felt the recessions of the rest of the country."

Yet Syphax readily admits that Talley's situation is hardly unique. "He's going to have to do the best he can until he can do better." Syphax said.

Jobs for Veterans, the Nixon administration program aimed at getting Vietnam veterans back into the economy of the country as quickly as possible, is crowded these days.

There is the dairy which shut down in Washington less than a week ago, the schools are out for the summer, and the Washington job market is as tight as it has been in many years.

The program has been placing about 300 veterans per month since it received additional staff and a shove forward from the administration Jan. 1.

POOL PUT AT 2,000

Syphax estimates that a constant pool of about 2,000 unemployed veterans is now looking for work here. About half that number are men from out of state who have come here because they believe that if there's a job to be had anywhere, it's here where the government is.

Many also come with the mistaken belief that the government will hire them if no one else will.

The group is 70 percent black, says Syphax, and they remain unemployed for as long as 6 to 8 months, or as little as 72 hours after coming through the doors. Syphax said the agency had plenty of jobs on its books, but they fell into two distinct categories—highly trained technical jobs, such as architect, social worker or accountant, and what he calls "service" jobs—paying $1.60 to $1.80 an hour.

SOME "PROBLEM CASES"

Former Army Sgt. James Jackson, one of the men interviewing the D.C. veterans, said that a few—but only a few—veterans were "riding unemployment," and there were several hundred "problem cases" that would probably not find jobs whatever the economy.

Both Jackson and Syphax take a fairly hard-nosed attitude about jobs which contrasts strangely with the veterans' complaints.

"Jobs are scarce, period," says Jackson, Syphax is fond of repeating stories of his own youth in the clenched-teeth tradition.

Howard McNiel, 22, of the 6600 block of 2nd Place NW an E4 who ran a power plant in Vietnam, has been through the Jobs for Veterans process. "It was not how I thought it was going to be," he said.

Mr. EAGLETON. Mr. President, the Senate District Committee has been examining this problem and has found that the figures for unemployment among veterans in the District of Columbia are astonishingly high.

It is for that reason that I am announcing hearings beginning Tuesday, July 13, 1971, on the subject of veterans unemployment within the District of Columbia, at 10 a.m. in room 6226, New Senate Office Building.

Any interested person who wants to file a statement or appear as a witness on this matter should notify Mr. Gene Godley, general counsel of the District of Columbia Committee, in room 6222, New Senate Office Building.

NOTICE OF HEARINGS ON PROPOSED FORESTRY LEGISLATION

Mr. HATFIELD. Mr. President, the Senate Subcommittee on Public Lands chaired by the distinguished Senator from Idaho (Mr. CHURCH), will be holding three field hearings over the course of the summer on S. 350, the American Forestry Act, which I introduced, and S. 1734, the Forest Lands Restoration and Protection Act, introduced by the distinguished Senator from Montana (Mr. METCALF). The first of these 1-day hearings will be held in Atlanta, Ga., on July 23; the second in Portland, Oreg., on August 9; and the third in Syracuse, N.Y., on September 24. I invite the testimony of my colleagues at these hearings, and I ask unanimous consent that both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 350

A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to institute programs designed to reforest and restore the quality of public and private forest lands; to enhance and expand recreational opportunity on such lands; to provide financial incentives to improve management of State and private forest lands; to establish a Federal forest lands management fund; to facilitate public participation in Federal resource management; and to enhance the quality of the environment and the resources of the public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND STATEMENT OF PURPOSE

SHORT TITLE

SEC. 101. This Act may be cited as the "American Forestry Act".

STATEMENT OF PURPOSE

SEC. 102. The Congress hereby declares that the purpose of this Act is to provide for—

(a) the restoration, maintenance, and enhancement of the quality of the forest land environment;

(b) an important and accelerated reforestation program on private and public forest lands to increase productivity and benefits;

(c) financial incentives to encourage prompt action in development of private and State forest lands;

(d) the delegation of authority to States for expenditure of Federal funds for certain forestry programs;

(e) State development of a statewide plan for private and State forest lands;

(f) increased outdoor recreational opportunities on forest lands;

(g) Federal funding for State-sponsored primary and secondary education programs in forestry;

(h) an expanded research program to meet new demands upon forest lands;

(i) increased Federal support for State-sponsored technical assistance programs for private forest lands;

(j) increased public participation in forest land programs;

(k) the use of the Federal share of receipts from public forest lands for management and development of Federal forest lands;

(l) an American forestry board to advise and counsel on national forest land policy;

(m) plans and public hearings for Federal forest lands not presently incorporated in multiple-use plans before physical disturbance of natural conditions; and

TITLE II—INCENTIVE FORESTRY

FORESTRY INCENTIVE PROGRAM

SEC. 201. (a) There is hereby established a forestry incentive program to stimulate the development of forests on private- and State-owned lands. Such program shall include reforestation of non-Federal forest lands, expansion and development of forest tree nurseries, development of outdoor recreation, and development of forestry environmental education and technical assistance programs.

(b) The Secretary of Agriculture (hereinafter referred to in this title as "Secretary") is authorized to approve State-prepared plans for programs authorized under this title and to make matching grants for the payment of the Federal share: *Provided, however,* That payment of up to 100 per centum of the cost

is authorized for outdoor recreation development projects.

STATE PLAN REQUIREMENT

SEC. 202. Any State desiring to receive a grant under this title shall submit to the Secretary a State plan which shall be prepared in accordance with the following:

(a) Provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency.

(b) Set forth a program for the development of forestry programs which are consistent with the requirements set forth by this title.

(c) Set forth policies and procedures designed to assure that Federal funds made available under this Act will be so used as not to supplant State funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes set forth.

(d) Provide assurances that the State will pay from non-Federal sources the remaining cost of such programs.

(e) Provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title.

(f) Provide that the State will submit to the Secretary—

(1) periodic reports evaluating the effectiveness of payments received under this title in carrying out the objectives of this Act, and

(2) such other reports as may be reasonably necessary to enable the Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which the State is eligible to receive for any fiscal year, and assurances that such State will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(g) The Secretary shall approve a plan which meets the requirements specified in subsections (a) through (f) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

PAYMENTS

SEC. 203. (a) The level of payment to any State to be made for purposes authorized under this title during any year shall not exceed the non-Federal amount expended within the State for the same purposes during the same fiscal year.

(b) The Secretary as authorized to make payments on the certification by the designated State official that the specific projects undertaken in accordance with the approved plan have been completed.

RESTORATION OF NON-FEDERAL FOREST LANDS

SEC. 204. The following limitations are applicable to the reforestation of non-Federal forest lands under this section:

(a) Assistance shall be limited to initial stocking of those acreages which are in the judgment of the Secretary nonstocked or poorly stocked on the date of enactment of this Act;

(b) In any one year, the acreage under one ownership eligible for reforestation shall be limited to any one tract or combination of tracts not exceeding five thousand acres and such other limitations as may be imposed by the State. The acreage shall be State-owned land and nonindustrial private land under the sole ownership of an individual, corporation, partnership, trust, association, or any other business unit, device, or arrangement;

(c) To assure the intent of this title, the State may require, as a condition for the expenditure of incentive funds, the nonindustrial private fee landowner be required to sign a lien agreement, management contract, or similar device for a specified period or until the State certifies the first cut of timber is suitable for industrial use, whichever is the lesser period. The lien, contract, or device is intended to assure restoration of timber productivity and its associated environment to obtain repayment of the grant, plus interest at prevailing rates, if such lands are not maintained or protected for the purposes for which the funds were granted, excepting, however, catastrophic losses. For State lands, evidence of laws, ordinances, or public resolutions is deemed to satisfy this requirement;

(d) Reforestation priorities under this section shall be based on the demand for forest products, environmental conditions, or combinations of both so as to yield the greatest benefits to the public.

LEASING AND DEVELOPMENT FOR RECREATIONAL PURPOSES

SEC. 205. Forest lands suitable for recreation use during the period of timber growth may be leased and maintained for the development of outdoor recreation projects.

FOREST TREE NURSERIES

SEC. 206. Where the State determines that present facilities are inadequate for producing tree planting stock to meet reforestation requirements of this Act, the development or expansion of new or existing State forest tree nurseries is authorized.

FOREST ENVIRONMENT EDUCATION AND TECHNICAL ASSISTANCE

SEC. 207. To complement and support existing programs, the Secretary shall encourage States to develop forestry education and technical assistance plans to—

(a) provide a better public understanding of the forest environment through primary and secondary education programs, and

(b) provide expanded technical assistance on non-Federal forest lands to improve management and the environment.

TITLE III—FEDERAL FOREST LANDS MANAGEMENT

FOREST LAND MANAGEMENT FUND

SEC. 301. (a) There is hereby established in the Treasury of the United States a "Forest Land Management Fund" (hereinafter referred to as the "fund").

(b) Section 603 of the Act of July 31, 1947 (30 U.S.C. 603), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law and excepting that part of the money received from the sale of timber and other forest products from lands of the national forests and the public domain, designated by law to be paid to local governments, any money received from the sale of timber and other forest products shall be credited to the Forest Land Management Fund.".

APPROPRIATION FROM THE FUND

SEC. 302. Money credited to the Forest Land Management Fund shall be available to the Forest Service and to the Bureau of Land Management, in amounts which do not exceed the respective agency deposits, for expenditure upon appropriation. Such moneys as may be appropriated shall be available until expended. Any money credited to the fund and not subsequently authorized for expenditure by the Congress within two fiscal years in which such money was credited to the fund, shall be transferred to miscellaneous receipts of the Treasury of the United States.

USE OF FUNDS

SEC. 303. (a) Money appropriated from the fund is authorized for expenditure by the Secretary of Agriculture on national forest lands and by the Secretary of Interior on public domain forest lands. Such money shall be used in conformity with the policies and principles of multiple use and sustained yield for purposes which include the following:

(1) management of timber resources, including reforestation and development;

(2) management of the forest land environment, including restoration and enhancement;

(3) development of outdoor recreation;

(4) management and development of fish and wildlife habitat;

(5) management and development of range forage;

(6) management of sail, water, air quality, and scenery; and

(7) expanded forest land research.

(b) Forest land management funds shall be allotted in accordance with the following priorities:

(1) The reforestation of other cultural measures for stand improvement of nonstocked, recently harvested, and poorly stocked forest lands to enhance the forest environment and timber growth;

(2) The improvement in the quality of timber management, forest land planning, and the environment; and

(3) The development of other multiple uses of the forests to obtain a wider range of goods and services while maintaining or improving the quality of the environment.

(c) Money for expanded research shall follow the order of allotment priorities cited in this section and shall be administered in accordance with the provisions of the Act of October 10, 1962 (76 Stat. 806).

ENVIRONMENTAL IMPACTS

SEC. 304. In connection with the sale of timber and other forest products or the use of Federal lands, the Secretary of Agriculture and the Secretary of the Interior are authorized and directed to require contractors and permittees to install or take such additional measures as may be needed to reduce unfavorable environmental impacts that might result from the authorized activity. The costs of such measures shall be recognized in determining the appraised value of the product to be sold or the amount of the permit fees.

TITLE IV—POLICY BOARD

AMERICAN FORESTRY POLICY BOARD

SEC. 401. (a) For the purpose of advising and counseling the Secretary of Agriculture and the Secretary of the Interior on national forest land policy, there is hereby established an American Forestry Policy Board, hereinafter referred to as "the Board".

(b) The President shall appoint members of the Board to serve at his pleasure and name its Chairman. The Board shall be composed of not less than fifteen or more than nineteen members who shall have attained national prominence by their professional qualifications and who shall represent major citizen groups interested in forest land management including the following: professional forestry, wood products, outdoor recreation, wilderness, fish and wildlife, State forestry, labor, forestry education, livestock grazing, minerals, industrial forestry, forest wasteland, air quality, and members of the general public. The Secretary of Agriculture and the Secretary of the Interior shall serve as ex officio members.

(c) Members of the Board shall while serving on the business of the Board be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including travel-time; and while so serving away from their homes or regular places of business they may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(d) The Chairman of the Board shall call an organizational meeting of the Board within three months following appointment of its membership and meetings of the Board shall be held at least twice annually thereafter.

TITLE V—UNDEVELOPED FOREST LAND

UNDEVELOPED FEDERAL FOREST LAND AREAS

SEC. 501. (a) Except for those forest lands where the public has participated through hearings, advisory discussions, or similar meetings in the planning, development, and use of Federal forest lands, and before any physical disturbance of natural conditions occurs in any regionally significant underdeveloped area not presently incorporated in multiple-use plans, the Secretary of Agriculture or the Secretary of the Interior shall prepare a plan and hold public hearings to determine whether such lands shall be managed and developed or preserved.

(b) Following review of the hearing record the Secretary will determine the appropriate use.

TITLE VI—GENERAL PROVISIONS

DEFINITIONS

SEC. 601. When used in this Act the term—

(a) "Forest land" means land which is producing or is capable of producing crops of industrial wood and is not withdrawn from timber utilization by statute or administrative regulation.

(b) "Non-Federal" includes private nonindustrial and State forest land ownerships.

(c) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "State forest land" includes State, county, and municipal land ownership.

RULES AND REGULATIONS

SEC. 602. The Secretary of Agriculture and the Secretary of the Interior, respectively, are authorized and directed to issue rules and regulations as may be necessary to carry out the provisions and purposes of this Act.

EFFECT ON OTHER ACTS

SEC. 603. (a) The Act of March 4, 1913 (37 Stat. 843) is hereby repealed.

(b) Nothing contained in this Act shall in any way be construed to alter, amend, repeal, interpret, modify, or be in conflict with any other Act unless specifically so provided under this Act.

APPROPRIATIONS

SEC. 604 (a) Funds authorized for appropriation under this Act are in addition to those which are regularly appropriated and are not intended, to supplant regularly appropriated funds.

(b) There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act, as follows:

(1) for fiscal year 1972, 50 per centum of title III forest land management fund and the full amount of money credited to the fund for each fiscal year thereafter, and

(2) in addition to those funds provided under the title III forest land management fund, $50,000,000 for fiscal year 1972 and $100,000,000 for fiscal year 1973 and so much thereafter as the Congress may determine to be needed to carry out the provisions of this Act.

S. 1734

A bill to provide for comprehensive management of the Nation's forest lands through the application of sound forest practices, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest Land Restoration and Protection Act of 1971."

DEFINITIONS

SEC. 2. When used in this Act, the term—

(1) "Secretary" means the Secretary of Agriculture;

(2) "timber harvesting and land management plan" means a comprehensive plan for the harvesting of timber and the managing of forest land by using sound forest practices and taking into account the particular ecological conditions encountered (including soil, climate, vegetative cover, and topography);

(3) "fully mature tree" means a tree which has attained at least 95 per centum of its maximum potential height growth, has grown its maximum volume of high quality wood, and whose merchantable portion is capable of being manufactured into high grade lumber;

(4) "sound forest practice" includes, but is not limited to, protection of site quality, prevention of erosion, particularly on steep slopes and in areas of unstable soil, selection for harvesting of fully mature trees wherever consistent with the biological requirements of the tree species, limitation of clear cuts to small openings to maintain as much contiguous forest cover as possible, growth of timber on long rotations, prompt reforesting after harvest or after fire or any other disaster, prevention of the degradation of any waters, and to follow even flow principles;

(5) "even flow" means perpetual yield of approximately equal annual amounts of timber of the same or improving quality in quantities which do not decline and which may increase;

(6) "small forest landowner" includes any person who owns, leases, operates, or otherwise controls no more than five thousand acres of designated commercial forest land;

(7) "person" includes an individual, partnership, corporation, company, association, firm, society, joint stock company, Indian tribe, State, municipality, and political subdivision of a State;

(8) "cooperative management unit" means an association or group established under State law of small forest landowners who harvest timber and manage designated commercial forest lands under a single timber harvesting and land management plan;

(9) "commercial forest land" means any forest land capable of growing continuous crops of fully mature trees on an even flow basis after application of sound forest practices consistent with the purposes of this Act;

(10) "forest products" means any renewable material including trees, shrubs, and flowers or other plant life which are sold from forest lands;

(11) "forest lands" when referred to in section 3 and title II of this Act includes all federally owned or administered forest land as that term is defined in the Act of March 29, 1944 (16 U.S.C. 583f);

(12) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof, or which affects commerce; and

(13) "State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

FINDINGS AND PURPOSES

SEC. 3. (a) The Congress finds and declares that—

(1) the environmental quality and productivity of the Nation's forest lands are rapidly deteriorating due to inadequate and unregulated timber harvesting and land management procedures and measures;

(2) the public has a right to enjoy a healthy human environment and to expect that the Federal Government, the States, and local government will utilize all practicable means and measures to protect that right and enhance the quality of our environment;

(3) multiple-use values relating to recreation, watershed, wildlife. range and forage, fisheries, esthetic enjoyment, and preservation of wilderness are not being adequately taken into account with respect to the management of the Nation's forest lands;

(4) a maximum sustained yield of high-quality timber products in an even flow from the Nation's forest lands is not occurring; and

(5) approximately four-fifths of the Nation's commercial forest lands are privately or otherwise nonfederally owned and that much of these lands are not being optimally managed through the application of sound forest practices.

(b) It is, therefore, the purpose of this Act to create and maintain an effective and comprehensive system of regulation and use of all forest lands in the Nation through a program where timber harvesting and land management will be carried out only on forest lands already in, and suitable for, commercial production of timber products so as to assure that—

(1) the environmental quality and productivity of forest lands are restored, enhanced, and maintained;

(2) multiple-use values are effectively taken into account with respect to the management of such lands; and

(3) the goal of maximum sustained yield of high-quality timber products is achieved consistent with such multiple-use values.

TITLE I—COMMERCIAL FOREST LANDS

CRITERIA FOR THE DESIGNATION OF COMMERCIAL FOREST LANDS

SEC. 101. (a) Within forty-five days after the enactment of this Act, the Secretary shall publish in the Federal Register proposed criteria for the designation by the States of commercial forest lands located therein. Such criteria shall be consistent with, and in furtherance of, the purposes of this Act.

(b) After a reasonable time for interested persons to submit written comments thereon (but no later than ninety days after the initial publication of such proposed criteria), the Secretary shall promulgate such criteria with such modifications as he deems appropriate. Such comments shall be available for public inspection.

(c) The Secretary shall from time to time review, and, as appropriate, revise such criteria in the same manner as the initial criteria were developed.

STATE DESIGNATION OF COMMERCIAL FOREST LANDS AND STANDARDS FOR TIMBER HARVESTING AND LAND MANAGEMENT PLANS

SEC. 102. (a)(1) Each State shall, after reasonable notice and public hearings, designate all lands located in such State (within six months after criteria are promulgated under section 101 of this title) which are already in, or suitable for, consistent with the criteria promulgated by the Secretary under section 101 of this title, as commercial forest lands, except that such designations shall not apply to any Federal forest land. In addition, each State shall, after reasonable notice and public hearings, adopt, within nine months after the enactment of this Act, and submit to the Secretary (A) standards for timber harvesting and land management of designated commercial forest lands, and (B) a plan for the implementation, maintenance, and enforcement of such standards (hereinafter referred to as the "plan").

(2) The Secretary shall, within four months after the date required for submission of standards and a plan under paragraph (1) of this subsection, approve or disapprove such standards and plan or any portion thereof. He shall approve such standards or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with the purposes of this Act. He shall approve such plan or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

(A) it provides for the attainment of such standards as expeditiously as practicable;

(B) it provides necessary assurances that a designated State agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such standards and plan;

(C) it provides effective measures, including, but not limited to, land use controls, to insure maintenance of such standards after they are attained;

(D) it provides for periodic reports by persons subject to such plans on the timber and land management operations conducted by such persons, which reports shall be available to the public;

(E) it provides that each person who owns, leases, operates, or otherwise controls all or any portion of any designated commercial forest land and who conducts or plans to conduct timber harvesting thereon shall submit to the appropriate State agency (within four months after the approval of such standards) an effective timber harvesting and land management plan prepared by a licensed forester for all or a portion of such person's land consistent with such approved State standards and plan, except that where more than one person owns, leases, operates, or otherwise controls such lands and conducts or plans to conduct timber harvesting thereon, each such plan shall be coordinated to insure that it is so consistent;

(F) it provides (i) for periodic review and, where appropriate, revision, after public hearings, of such standards or plan, or both, to achieve the purposes of this section, (ii) for revision of such standards or plan, or both, whenever the Secretary finds on the basis of information available to him that such standards or plans are substantially inadequate to achieve the purposes of this Act; and

(G) it provides such other information as the Secretary may require to carry out the purposes of this Act.

(3) The Secretary shall, in accordance with the procedures and requirements of this subsection, approve any revision of such standards or plan.

(4) The Secretary may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed six months.

(b) The Secretary shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such plan or portion thereof, if (1) a State fails to submit standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the standards or plan, or portion thereof, or both, submitted is determined by him not to be in accordance with the requirements of this section, or (3) the State fails, within sixty days after notice by him or such longer period as he may prescribe, to revise such standards or plan as required by this section. If such State held no public hearing associated with adoption of such standards or plan, he shall provide an opportunity for such hearing within such State on any proposed regulation for such State. He shall, within six months after the date required for submission of such standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adopted and submitted standards or plan which he determines to be in accordance with the requirements of this section. Such standards or plan promulgated by him for any State shall be the standards or plan, or both, applicable to such State in the same manner as if such standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such standards or plan and it is approved under this section.

(c) (1) A petition for review of any action of the Secretary approving such standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within thirty days from the date of such approval by any interested person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and thereupon he shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Secretary with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

(2) Such approved standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement under this Act.

TIMBER SUBJECT TO ACT

SEC. 103. (a) Beginning on and after the date established by section 102 of this title for designating commercial forest lands in each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested from any land in such State other than from designated commercial forest lands.

(b) Beginning on and after the date established under section 102 of this title for the approval of standards and a plan for each State, no person shall sell, offer for sale, deliver, or introduce any timber into commerce which was harvested on designated commercial forest land in such State in violation of such standards or plan, or both.

(c) Any person who knowingly violates subsection (a) or (b) of this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this title, punishment shall be by a fine of not more than $25,000, or by imprisonment for not more than three years, or by both; one-third of said fine shall be paid to any person who gives information leading to a conviction, and he may sue for the same.

FEDERAL ENFORCEMENT OF STANDARDS AND PLANS

SEC. 104. (a) Whenever, on the basis of information available to him, the Secretary finds violations of an applicable standard or plan approved by him under section 102 of this title, he shall notify the person in violation and the appropriate State of such finding by certified mail. If such violation extends beyond the fifteenth day after receipt of such notice, he shall issue an order requiring such person to comply or he may bring a civil action in accordance with subsection (b) of this section. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Secretary, taking into account the seriousness of the violation and any good faith efforts to comply, determines is reasonable. A copy of any such order shall be sent to the appropriate State and all orders and notices and related data, information, documents, and material shall be available to the public for inspection.

(b) (1) The Secretary may commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

(A) violates or fails or refuses to comply with any order issued under this section; or

(B) violates any standard or plan for more than fifteen days after receipt of notice thereof under this section.

(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State agency.

INSPECTIONS, MONITORING, AND ENTRY

SEC. 104. (a) For the purpose of (i) developing or approving or assisting in the development of any standards and any plan for the implementation, maintenance, and enforcement thereof or (ii) determining whether any person is in violation of any such standard or plan—

(1) the Secretary shall require the person who owns, leases, operates or otherwise controls any designated commercial forest lands to (A) establish and maintain such records, (B) make such reports, and (C) provide such other information as he may reasonably require; and

(2) the Secretary or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through such lands or in any premises in which any records required to be maintained under paragraph (1) of this subsection are located, and

(B) may at reasonable times have access to and copy any records and inspect such lands and timber operations conducted thereon.

(b) Each State shall develop and submit to the Secretary a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Secretary from carrying out this subsection in a State.

(c) In carrying out the provisions of this title, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof to which the Secretary has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such persons, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, to appear and produce papers, books, and documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

LICENSING OF FORESTERS

SEC. 105. Each State shall establish requirements for the licensing by the State of all foresters working within the State in accordance with criteria to be established by the Secretary. The Secretary shall publish within four months after enactment of this Act criteria for the licensing of foresters and

shall provide an opportunity for public written comment thereon. Such criteria shall be promulgated by him within three months after such publication. The Secretary shall from time to time review, and, where appropriate, revise such criteria in accordance with this section. Such comments shall be available to the public.

COOPERATIVE MANAGEMENT UNITS

SEC. 106. The Secretary shall cooperate with the States in providing technical assistance to small forest landowners whose commercial forest lands are within a cooperative management unit, in the development of timber harvesting and land management plans, and in otherwise assisting such landowners in carrying out the requirements of this Act.

TITLE II—TIMBER HARVESTING AND LAND MANAGEMENT ON FEDERAL FOREST LANDS

GENERAL POLICY

SEC. 201. Where timber harvesting on Federal forest lands is permitted, it shall be conducted in accordance with the principles and requirements of the Multiple Use and Sustained Yield Act (16 U.S.C. 528 et seq.) and this Act. All such timber harvesting operations shall, to the fullest extent possible, not impair the multiple-use values relating to water quality, recreation, range and forage, watershed, wildlife and plant life, including habitat for populations of rare, endangered, disjunct, narrow range, endemic, or unique associations of species, fish, esthetics, and preservation of wilderness. Whenever the Secretary or the Secretary of the Interior, in the case of Federal forest lands under his jurisdiction, finds that such values are or will be impaired on any such land, he shall not permit timber harvesting to begin or to continue until effective means and measures are developed to prevent such impairment and are reviewed by the public.

TIMBER HARVESTING ON FEDERAL LANDS

SEC. 202. (a) Beginning one year after the enactment of this Act, timber harvesting on Federal forest lands shall be conducted under timber harvesting and land management plans promulgated under this section.

(b) The Secretary or, in the case of Federal forest lands within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall publish proposed plans for the harvesting of timber on Federal forest lands where such harvesting is permitted. Such plans shall be consistent with, and in furtherance of, the provisions of this Act and the Multiple Use and Sustained Yield Act. Such plans shall be published for all such lands within each State or region. Within forty-five days after such publication, the appropriate Secretary, whenever there is sufficient public interest in any such plan, shall hold a public hearing thereon. After considering any oral or written comment thereon, such Secretary shall promulgate each such plan with such modifications as may be appropriate within six months after such publication. Each such plan shall be reviewed at least every three years and, if appropriate, revised, after notice and public hearing.

(c) (1) The Secretary or, as appropriate, the Secretary of the Interior shall not enter into any contract or other arrangement for the clear cutting of any Federal forest land or portion thereof, until a timber harvesting and land management plan is promulgated for such land.

(2) After such plan is promulgated, the appropriate Secretary, before entering into any such contract, shall find, and publish his findings, whether clear cutting of any part of such forest lands is a sound forest practice. In making this finding he shall among other matters consider—

(i) the effect of clear cutting on all other resource values and the environment;

(ii) the compatibility of clear cutting with the maintenance and enhancement of long-term productivity of the forest lands and the integrity of the environment;

(iii) the practicability of reforestation and other work to restore forest lands which are clear cut; and

(iv) all feasible and prudent alternatives to clear cutting.

(3) The appropriate Secretary shall, within forty-five days after enactment of this Act, review each contract or other arrangement to clear-cut timber on any Federal forest land where such work has not begun or is not substantially completed. Pending such review, such work shall be halted. If based on such review, he finds and publishes his finding that such work does not constitute a sound forest practice he shall terminate such contract. Such termination shall be subject to applicable provisions of law relating to the payment of damages, if any, for such termination.

(d) In entering into any contract or other arrangement for timber harvesting on Federal forest lands, the appropriate Secretary shall do so by competitive bidding and shall require that the fair market value of the timbers be received by the United States. He shall also provide that it is the responsibility of said contractor to comply fully with the applicable policies and requirements of this Act, including, but not limited to, those requiring that harvested lands be restored and wastes removed. The Secretary shall publish in the Federal Register within six months after enactment effective regulations to meet the requirements of this subsection and afford an oportunity for public comment thereon. Such regulations shall be promulgated, after consideration of such comment, four months after such publication.

FEDERAL ENFORCEMENT ON FEDERAL FOREST LANDS

SEC. 203. (a) Any person who knowingly harvests timber in violation of any applicable plan promulgated under this title shall, upon conviction, be punished by a fine of not more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-half of said fine shall be paid to any person giving information which shall lead to a conviction and he may sue for the same.

(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

(c) No Federal agency may enter into any contract with any person, who is convicted of any offense under section 103 of this Act or this section, to harvest timber on Federal forest lands. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such conviction has been corrected.

(d) Any person who conducts timber harvesting operations on any lands subject to such plans shall establish and maintain such records and make such reports as the appropriate Secretary shall require. Any records, reports, or information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof, to which the Secretary has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, report, or information or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

NATIONAL FORESTS: PRIMITIVE AREAS

SEC. 204. (a) All areas within the national forests which fall within the definition of "wilderness" as defined by section 2(c) of the Wilderness Act (16 U.S.C. 1131) but are not, as of the date of enactment of this Act, classified as a "primitive area" or "wilderness" area by such Act because they fail to satisfy the acreage requirement of such Act, are hereby given "primitive area" status and shall be managed under the provisions of such Act as a "primitive area", if such area is at least three thousand contiguous acres, or at least one thousand two hundred and eighty contiguous acres if adjacent to a presently designated "wilderness area" or "primitive area".

(b) The Secretary shall, within ten years after the date of enactment of this Act, review, as to its suitability or nonsuitability for preservation as "wilderness", all areas whose classification is changed to "primitive area" as a result of subsection (a) of this section.

(c) Nothing in this section shall be construed to abrogate any contract in existence on or before December 31, 1970, to harvest timber in a national forest.

EXPORT RESTRICTIONS

SEC. 205. Notwithstanding any other provision of law, no logs or unfinished forest products from Federal forest lands or from designated commercial forest lands shall be exported from the United States during any calendar year, unless the Secretary shall find, after public hearings with adequate notice in the Federal Register of such hearings, that the Nation's projected timber supply needs for each of the five consecutive years thereafter can be satisfied entirely by domestic supplies.

FEDERAL FOREST LAND FUND

SEC. 206. (a) There is established in the Treasury of the United States a trust fund to be known as the Federal Forest Land Fund (hereinafter referred to as the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) (1) There is authorized to be appropriated to the Trust Fund amounts equal to the net proceeds accruing to the United States from the sale of forest products by the United States.

(2) The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts, referred to in paragraph (1), received in the Treasury. Proper adjustments shall be made in any amounts transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred.

(c) (1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress not later than the 1st day of March of each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its projected expected condition and operations. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such

investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(d) Amounts in the Trust Fund shall be available in addition to all other appropriated and other funds, to the Secretary for making expenditures to complete the national forest system, to complete the acquisition of inholdings, including those affecting recreational programs which have been authorized by Congress, to enlarge tree-planting operations on Federal forest lands, and to carry out other activities to improve the environment within Federal forest lands.

OTHER LAWS

SEC. 207. The provisions of this Act shall not apply to Federal forest lands within the National Wildlife Refuge System and the National Park System.

EMPLOYEE PROTECTION

SEC. 208. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee of any timber harvesting operation or any authorized representative thereof by reason of the fact that such employee or representative (1) has notified the Secretary or his authorized representative of any alleged violation, (2) has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or (3) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any such employee or representative who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice to the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary of Labor's findings therein. Any order issued by the Secretary of Labor under this subsection shall be subject to judicial review in accordance with this Act. Violations by any person of subsecton (a) of this section shall be subject to the provisions of section 203 of this Act.

(c) Whenever an order is issued under this section, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

REPORT

SEC. 209. The Secretary and the Secretary of the Interior shall on September 1 of each year submit to the Congress a report on the actions taken by each under this Act during the preceding fiscal year. Such report shall include a detailed description of all timber harvesting contracts or other such arrangements on Federal forest lands and a statement of any findings made by each concerning any clear cutting permitted under such contracts, and a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this Act. The report shall also set forth the sums accruing to the Fund established by this Act and the actions taken with such sums. The report shall also describe in detail the actions taken or not taken by each State to carry out the purposes and requirements of this Act.

ADDITIONAL STATEMENTS

THE VIETNAM PAPERS

Mr. ALLOTT. Mr. President, in the coming days much will be written about the real significance of the New York Times' action in arrogating too itself the right to receive, declassify, and publish stolen secret documents. And much will be written about the revelations—if any—which these documents contain.

Thus far the most perceptive and responsible comment I have seen is contained in the column by Messrs. Evans and Novak in today's Washington Post. So that all Senators can consider this wise column, I ask unanimous consent for it to be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE VIETNAM PAPERS

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960's look treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other American institutions and politicians of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportunity for the prompt development and execution of sustained reprisals" against North Vietnam.

Contingency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could hardly have been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

OFFICIAL SECRETS

Mr. SYMINGTON. Mr. President, much has been written in recent days about the New York Times articles based on a secret Defense Department study of the origins of U.S. involvement in Indochina and the Government's attempt to prevent the publication of further installments on this revealing study. Deserving of particular attention, however, is an interesting and thought-provoking editorial in the Wall Street Journal of yesterday.

Commenting on Attorney General Mitchell's complaint that these disclosures will cause "irreparable injury to the defense interests of the United States," the editorial states that—

After reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

In this connection, I join with the senior Senator from Virginia in requesting that the Department of Defense make "a clear and unequivocal statement to the American people as to just why this early history of the Vietnam war should continue to be classified top secret."

In my opinion, there would appear no jusification on the grounds of "national security" for the Justice Department's attempts to keep the truth from the Congress and the American people about the policy decisions which led our Nation into this tragic conflict. One of the cornerstones of democracy is the faith of the people in their Government. That faith has already been badly shaken by the revelations of deception by the previous administration and what faith remains can only be further undermined if the present administration fails to reveal the basic facts about past, as well as current and future, foreign policies to the American public.

As the Wall Street Journal editorial asks: "If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?"

President Nixon himself summed it up well in November 1969, when he said:

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

To that end, I will continue to press for a Senate investigation, either by the Foreign Relations or Armed Services Committees separately, or jointly, to undertake a full examination of the origins of the war in Indochina so that future generations may profit from this sad experience.

Hopefully, this investigation and the disclosure of at least part of this Pentagon report will also force a long overdue examination of present attitudes toward the use of classification for political purposes, not reasons of national security.

As the editorial concludes:

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

I ask unanimous consent that the editorial in question from the Wall Street Journal of June 16, 1971, entitled "Official Secrets" be inserted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OFFICIAL SECRETS

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakened the country's world influence and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

SECRETARY ROGERS C. B. MORTON CITES NEED FOR REORGANIZATION

Mr. HANSEN. Mr. President, recently, the Secretary of the Interior, the Honorable Rogers C. B. Morton, addressed the Wyoming Bankers Association at its annual convention at Jackson Hole, Wyo.

As a strong advocate of the President's plan to reorganize the executive branch of our Government, I was especially pleased to read Secretary Morton's comments concerning the need for a Department of Natural Resources.

The new Department of Natural Resources would be built around the Department of the Interior. The Forest Service and the Soil Conservation Service of the Agriculture Department would be transferred to the Department of Natural Resources. It also would take over the National Oceanic and Atmospheric Administration now in the Commerce Department and the civilian energy functions of the Atomic Energy Commission.

Mr. President, this proposal makes a lot of sense. I believe a majority of Americans favor the President's reorganization plan. I would like to ask unanimous consent to include in the RECORD a brief synopsis of Secretary Morton's remarks on June 11 before the Wyoming Bankers Association.

There being no objection, the synopsis was ordered to be printed in the RECORD, as follows:

SECRETARY MORTON URGES SUPPORT OF PRESIDENT'S GOVERNMENT REORGANIZATION PLAN

Secretary of the Interior, Rogers C. B. Morton, today urged the members of the Wyoming Banker's Association to support the Administration's Government Reorganization Plan. In an address delivered to the 63rd Annual Convention of Wyoming Bankers at Jackson Lake Lodge, the Secretary stated:

"The Federal Government has not pursued an effective approach to the stewardship of our vast natural resources. As we in Government attempt to solve this and other problems, another challenge confronts us. Our Federal Government is not organized to deal effectively with these matters."

Morton cited several examples of the fragmentation of responsibility that exists in government today:

Nine different Federal Departments and twenty independent agencies are now involved in some aspect of education.

Three Departments work to help develop water resources.

Four agencies in two Departments are involved in managing public lands.

Six agencies in three Departments administer Federal Recreation areas.

He praised the President's reorganization plan which recommends that the Departments of State, Treasury, Defense, and Justice continue as basic units of the Cabinet but that all other departments be consolidated and rearranged into four.

Morton stated that, "Under the President's plan Government would be modernized to deal comprehensively with modern-day National needs. It would give us a Department of Human Resources to deal with the con-

cerns and needs of the people, a Department of Community Development to bring assistance to the people's urban and rural community needs, a Department of Economic Development to promote the Nation's prosperity and develop jobs and businesses, and, a Department of Natural Resources to look after our physical environment and the preservation and balanced use of our natural resources.

"Naturally, the proposal closest to my heart is the one designed to enable us to maintain and enhance our rich heritage of land, forest and water—the proposed Department of Natural Resources. Built around the Interior Department it would also include the Forest Service and Soil Conservation Service now in the Department of Agriculture; the civil functions of the Army's Corps of Engineers; the National Oceanic and Atmospheric Administration now in the Commerce Department; and the related civilian energy functions of the Atomic Energy Commission.

"This is a carefully thought out plan to reorganize activities to effect five major and interrelated federal missions—the management of: energy and minerals; land (the Federal Government owns one-third of the land area of the United States); water resources; earth sciences; and the people whose heritage and lives are most closely related to the land—the American Indians, the Alaska Natives, and the peoples of the Territories.

"Consider, for example, how utterly wasteful and time-consuming it is to have interrelated land and water projects conceived and considered separately, each agency having its own mission. It is easy to see how they can cancel out each other's efforts or render them ineffective.

"Consider how much easier it would be for you as citizens to deal with one Department responsible for managing public lands, their range and forest, their recreation potential, and their other multiple uses."

The Secretary went on to discuss the need for the adoption of the National Land Use Policy Act now before Congress. After commenting on the problems this Nation faces today due to inadequate machinery for influencing land use decisions, the Secretary said:

"Land is our basic resource and its misuse has grave consequences. Although most land use decisions are properly made at the local level, those land use issues which spill over local jurisdictional boundaries or involve values of State-wide concern must be made at a higher level. Environmental values frequently fall into this category. The Administration's National Land Use Policy Act of 1971 encourages the States to exercise more fully their responsibility to deal with these land use problems of more than local impact. This year there will be a $10 billion gap between the costs and ability to pay for running States and providing local services. The Administration's legislative program attempts to close this gap and protect our vital land resources."

The Secretary concluded by stating: "The President is taking dramatic action, but as he has so often pointed out: 'No matter how well organized Government itself might be . . . in the final analysis, the key to success lies with the American people'."

"So I must caution you, the financial leaders of this great State of Wyoming, never to forget that you have as great a stake—and a responsibility for—the preservation, the use and the management of our Nation's resources as does anyone in Washington.

"Your support, your counsel, your constructive criticism, all are so desperately needed if we are to attain the goals which we have set for ourselves and for you—that the great trust of our natural resources on this continent be managed and used in such a way as to provide a legacy and a promise for our children and future generations to come."

MISS JIM CRABTREE

Mr. McCLELLAN. Mr. President, in this day and age of big, costly, and impersonal government, it is a rare pleasure to discover that public servant who still performs as one. Miss Jim Crabtree was such a devoted, helpful friend to residents of St. Charles, Ark., for the 30 years she delivered their mail. No matter of weather or roads, however foul, could prevent her daily rounds. She treated the rural families along Route 2 as her own, and they reciprocated with mutual affection.

Miss Crabtree recently retired from the U.S. Postal Service. She will be sorely missed, not only by her people in St. Charles but by the Government she served so honorably as well.

It is a privilege for me to ask unanimous consent to insert in the RECORD an article from Era Enterprise of De Witt, Ark., which recognizes Miss Crabtree's accomplishments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISS JIM CRABTREE

Rain, sleet, shine or snow—the mail must go through. Even though this old cliche dates back to the time of the horse and buggy and has been worn ragged from over use during the years, it still has a special meaning to a St. Charles woman and an affectionate tone could be depicted in her voice as she repeated the words last Friday.

Perhaps the reason the phrase has a special meaning to Miss Jim Crabtree is because she has lived by the words for the past 30 years. Doing a job normally held by a man, Miss Crabtree has traveled rain-sodden dirt roads of which many skilled drivers backed away. Her job—delivering the U.S. Mail.

"Miss Jim" by which she is affectionately known, recently retired from her mail route of 30 years because of failing eye sight but memories of her many experiences as a rural mail carrier still linger on.

Miss Jim delivered mail on Route 2 which covered 50 miles round trip, six days a week. She left St. Charles at 7:30 a.m. and returned at 10:30 a.m. by way of Van and Ethel distributing and picking up Uncle Sam's parcels. However, her work day was only half completed as Miss Jim's afternoon trip left St. Charles at 4:40 and returned at 5:40 p.m.

Before the mail route was established, residents of the areas where no railroad connections reached received mail and freight once a week by boat on the White River. Miss Jim took over the contract route in 1940 and made her first delivery May 27 of that year. She established a period of personal service that was only interrupted for eight days during her 30-year span. Due to death and sickness in the family, a subsitute carrier was needed to cover her route only eight times during her career.

Miss Jim's final mail run was last Christmas Eve. She entered Mid-South Sight Service Institute on New Years Eve for eye surgery. The corrective eye surgery enabled Miss Jim to see well enough to get around but she feels her vision is not good enough to drive the mail route.

Since her retirement she has been devoting most of her time improving her home at the outskirts of St. Charles. It doesn't take long to realize that she takes great pride in preserving the 100-year-old home and its furnishings. Miss Jim has also been a successful farmer and a regular attendant at church and Sunday School. She has been absent from church only seven Sundays in the past 30 years.

Miss Jim is acknowledged to be one of the most well-known and most respected residents of her area. She has a reputation of considering right to be essential and wrong intolerable.

Mr. McCLELLAN. Mr. President, I am sure that we all agree that Miss Crabtree deserves our highest esteem and best wishes for her future happiness. Both the U.S. Postal Service and the people of Arkansas should take great pride in her accomplishments.

RETIREMENT OF REPRESENTATIVE McCULLOCH OF OHIO

Mr. TAFT. Mr. President, I know that all Members of the Senate and the country at large share with me in expressing great regret at learning that WILLIAM M. MCCULLOCH, Member of Congress from Ohio's Eighth District and dean of the Ohio delegation will not seek reelection for health reasons.

BILL MCCULLOCH's service to our Nation has been exceptional and outstanding. His inspiration and help to his colleagues has known no peer. We shall miss him deeply.

George Jenks of the Toledo Blade reviewed brilliantly a number of his many accomplishments and I ask unanimous consent that his article of June 9 be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHAMPION OF FAIRNESS

(By George Jenks)

WASHINGTON.—Rep. William M. McCulloch, Piqua, O., Republican, will retire from the House at the end of his present term after 26 years as the representative of west central Ohio's politically conservative 4th Congressional District. He shared the conservatism of his constituency in most fields, particularly government extravagance and arrogance. The right-wing Americans for Constitutional Action gives him the high rating of 80 for his entire congressional career. Yet, if he receives a footnote in the history of his times—and it is probable that he will—it will be because of his vigorous participation in the liberal cause of civil rights.

As the ranking minority member of the House Judiciary Committee, he became the catalyst who made possible the enactment of the landmark civil rights legislation of two Democratic administrations, those of John F. Kennedy and Lyndon B. Johnson.

He came into national prominence in 1963 with the introduction of proposed legislation to protect voting rights and strengthen federal authority in bringing an end to southern racial discrimination.

A House judiciary subcommittee had reported a bill which went far beyond the Administration's proposal, one which Democratic House leaders informed the White House had no chance of approval.

Accordingly, the late Robert F. Kennedy, then attorney general, went before the full committee to ask Republican assistance in modifying the subcommittee bill. It was Mr. McCulloch who worked with the Kennedy administration in writing the measure that finally became law. Robert Kennedy later

said that without the Ohio congressman's help the bill never would have become law.

He again went to the aid of the Democratic majority and the cause of civil rights during the Johnson administration in 1944 when Congress enacted what has been called the most far-reaching civil rights legislation since the reconstruction period.

The bill was stalled in the House Rules Committee and was reported out only after Mr. McCulloch, his party's leading spokesman on civil rights matters, went before the committee to defend the constitutionality of the measure as approved by his judiciary Committee.

His claim to a position in the high councils of civil rights advocates was recognized by the White House. Former President Johnson named him to the Advisory Commission on Civil Disorders along with Sen. Edward Brooke of Massachusetts and Roy Wilkins of the NAACP.

The emergences of this small town, Ohio Republican as a defender of minority rights came about from two sources. One was his long seniority in the Judiciary Committee. The other was his intense concern for fairness both in the law and in the administration of the law.

Evidence of that latter trait came when he became incensed at what he regarded as overzealous and improper tactics by the Department of Justice in securing the conviction of Teamster leader James Hoffa. Mr. McCulloch in 1964 introduced a resolution to name a committee to investigate the Department of Justice for violation of individual rights and liberties.

It cannot be said of him that his activities in controversial fields were undertaken for the sake of winning votes. In fact, in 1964 he feared that his defense of civil rights might cost him his seat and he called this newspaper's Washington bureau to suggest that a few kind words in print might make the difference between victory or defeat.

Mr. McCulloch deserves more than a few kind words. He has served his country and his state well.

A MEDICAL BILL OF RIGHTS

Mr. EAGLETON. Mr. President, on June 4, Senator MUSKIE and I introduced amendments to the health manpower legislation now pending in the Senate Committee on Labor and Public Welfare. At that time, Senator MUSKIE referred to the tasks that lay before us in improving our health care systems above and beyond the need for national health insurance. He especially spoke about revamping our health manpower system and development of new types of health maintenance operations—HMO's.

On Thursday, May 27, Senator MUSKIE gave a commencement address at the Albert Einstein College of Medicine, in New York City. At that time he most eloquently described the health care crisis before this Nation, and in great detail, spoke of the "medical rights" that must be established for all Americans.

I ask unanimous consent that the full text of that statement be printed in the RECORD, so that all Senators may have the benefit of his views on this question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A MEDICAL BILL OF RIGHTS

When politicians speak at college commencements in 1971, careful students raise their guard. You wonder what we really have to say—and whether you should even try to listen. The world in your time has left you with a sure sense of skepticism about public men and political life.

A graduate of Einstein has seen too much in recent years to accept very much of the rhetoric he hears.

For as long as you have been in college, America has been in Indochina. Your generation has stood up for peace—and your protest has persuaded most of my generation to oppose the war. But still the fighting rages on—and still our free system fails to bend our policy to the will of our peopple.

For as long as you have been in medical school, you have witnessed in some neighborhoods of the Bronx the starkest evidence of man's inhumanity to man. You long ago heard the pledge of new priorities—but daily you encounter mothers without food, workers without work, and children hooked on heroin. Politicians have always made promises to the South Bronx—but they have seldom made progress for the families who live there.

Finally, for as long as you can remember, the stain of racial prejudice has mocked our claim to national equality. We have talked civil rights and supported civil rights and even proclaimed civil rights. But how would white Americans now answer President Kennedy's probing question: "Which of us would willingly trade places with a black man?"

So I understand whatever skepticism you bring to this ceremony today. I know that my words cannot erase your doubts. Only the deeds of government in the years ahead can restore your confidence and renew our country. But I think we can do what we must—and I think that we will. I think that ultimately America will turn from the tasks of death abroad to the tasks of life at home.

I cannot prove my conviction. But I ask you to share it—in spite of the wrong you have seen—and because of the right you have experienced. Your education alone is vital evidence of an ability to build justice here in America.

In 1954, Dr. Samuel Belkin founded Einstein, not only because New York City needed another high quality medical school, but because the nation needed another non-discriminatory medical school. His faith and the faith of his fellow founders can be reduced to a single, simple truth. They believed that something better than bias should determine the chance to learn how to heal. They believed that general quotas could not measure individual qualifications. And they translated their belief into a place that is first rate in its profession and first rate in its principles.

In 1971, Einstein is a quietly eloquent testament to the good that Americans can create. And Einstein's remarkable record gives us reason to hope that our institutions can respond to our conscience and our social crisis.

Between 1958 and 1971, your medical school graduated only 15 blacks and Puerto Ricans. In 1974 alone, it will graduate 20. The difference is that Einstein is no longer waiting for minority applications. It is actively seeking them—and it is succeeding in its search. Your institution has done what some say no institution can do—it has adapted the practices of the past to the present and the future needs of people.

But Einstein's response has not been limited to serving the cause of racial justice. This new college has also discarded the old prejudice of the medical profession against women. Twenty-nine of them become doctors here today—twenty-nine more than almost any medical school would have wanted or accepted only a few years ago. Their hands and brains will have lives—because Einstein has broken with an ancient tradition that was wrong from the beginning.

And now Einstein is pointing the way to further reform. In response to the shortage of doctors, it is increasing its enrollment and reducing its course of study. The result of the three-year program will be more doctors of equal competence trained in less time. And the result of that will be more health care for more Americans.

Anyone privileged to graduate from Einstein cannot be completely skeptical about institutions and their potential to advance the cause of compassion and decency. You should be proud to come from a medical school which is serving, not only your special profession, but our entire society. Its example is a lesson to take with you as you leave here today—a lesson equal to any you have learned—a lesson as important as anatomy or physiology or biochemistry. For you, like your college, have a social as well as a professional service to perform.

This morning you receive a piece of paper and swear a solemn oath that will permit you to cure the sickness of people. But the diploma and the oath will require something more from each of you—a constant commitment to cure the sickness of a medical care system which too often keeps doctors and the people who need doctors far apart. The technical name for the system is "health care delivery." The human reality behind the name is painfully visible everywhere in this city.

In the South Bronx, a young couple dips into their meager savings, not to send a son to school, but to bury their youngest child. It is no consolation for them to learn that their neighbors share their sorrow—that the rate of infant mortality in the South Bronx is double the rate of communities to the north.

In Brownsville, a seven-year-old is brought to an emergency room with stomach cramps from eating lead paint. After treatment, he is returned home to more hunger—and to a further risk of lead poisoning—a risk that each year becomes a reality for at least 900 children throughout New York City.

On the lower east side, a Spanish speaking mother takes her injured daughter to the hospital. After waiting around for seven hours, she is told in words she barely comprehends to return tomorrow. She does not know enough English to understand the explanation that there are not enough doctors. All she is left with is a worried night alone with her child.

And on Staten Island, a widow discovers that all the insurance and investments of years have been drained by the $30,000 bill for her husband's cancer treatments. She is discovering a hard fact of life and death in America—that sickness is often a financial as well as a physical catastrophe.

Multiply all these tragedies a hundred fold—reduce them to categories and numbers—and you will end up with the sad statistics of a failing health care system..

Between 1966 and 1980, the number of workers who cannot work due to illness will climb from 18 million to 21 million.

Seventy-five thousand newborn babies die in the United States each year.

The number of general practitioners has declined 35% since 1957—and foreign physicians now constitute more than 25% of our nation's doctors.

One hundred and fifty counties across the country have absolutely no health professionals of any kind. In most central cities, the situation is as bad—or just a little better. In the Kenwood section of Chicago, there are only two physicians for 46,000 people.

The cost of medical care has skyrocketed to over $60 billion annually. At the same time, the health insurance industry has used its actuarial studies to exclude segment after segment of our society from access to medical protection. The poor are abandoned to uneven and often inhuman public health services. And the middle class is caught squarely in the middle—too well-off to qualify for government help—too pressured to help themselves with comprehensive insurance.

In the end, millions of Americans go without adequate medical care. They cannot afford it. They are afraid it will break them. Or they cannot find a doctor. Some of them die. Others are left destitute. And most of them fall victim to needless pain and needless suffering. They are your parents or mine—your children or mine—our friends and our fellow citizens.

The disaster we call medical services makes most Americans forgotten Americans. It betrays each of them and all of us. Our system of medical care is in fact a system of medical neglect. It is in the deepest sense un-American.

Despite our power and our strength, despite our trillion dollar G.N.P., we have let young people die before their time and old people die when there was some precious time left. How will history judge us, a country which was first in the wealth of its resources, but far from first in the health of its people? And more importantly, how will we judge ourselves in those quiet, inner moments, when we remember that what finally counts is not how much we have, but what we are?

It is time for us to do more until we have done enough to sustain and enhance the health of our nation.

Countless medical students and some doctors have already answered the call to a new kind of service. In the early 1960s, student health organizations from Los Angeles to Boston pioneered concepts for comprehensive health care. In the summer of 1967, students like you joined together in New York City to found the student health project of the South Bronx. Their historic initiative was a sign of a new generation's determination to make medicine work for people.

But the young and the concerned in the the medical profession cannot do the whole job alone. Your voices have been heard—and sometimes even heeded. But your own efforts will take too long. And the results will be too uncertain. The only certainty is that entrenched and established forces will oppose you every step of the way. We cannot wait or gamble on the outcome. Human life and human health hang in the balance.

Four decades after organized medicine almost adopted a report favoring uniform financing for medical services—four decades and a hundred million illnesses too late—we must enact a medical bill of rights for all Americans. The Constitution commits our country to protect political freedom. Now, by legislation, the Congress must commit America to protect the physical health which alone makes possible the exercise of liberty.

The first medical right of all Americans is care within their means. Admission to a hospital or a doctor's office should depend on the state of an individual's health, not the size of his wallet. And we cannot depend on reform on half-way measures and half-hearted compromise. A right to medical care which left the burden of cost on the poor and the near poor would mock its own purpose. The only sure security is federally funded universal health insurance. That is our best hope for the future—and a priority goal in 1971.

We must take the dollar sign out of medical care. We must destroy the financial barrier between deprived people and essential medical services. We must end the terrible choice so many Americans face between losing their health and losing their savings.

The second medical right of all Americans is care within their reach. Even if we guaranteed the payment of health costs, millions of our citizens could not find sufficient medical services. The system is not only inequitable—it is also undermanned and inefficient. It is on the verge of collapse. The Nation must now respond with Federal financial incentives that will insure real reform.

There are not enough doctors. But Federal incentives can persuade medical schools to follow Einstein's lead and expand their enrollment. New schools can be created and sustained by Federal loans and grants. And Federal funds must also be provided to help medical students who should have something better than money to worry about. A program of scholarship aid must include all who are in need—and it must encourage minority students who intend to return to the old neighborhoods.

Yet the number of doctors is not the whole answer. If we produce 50,000 additional physicians and plug them into the current structure, our efforts for reform will certainly fail. Some of the health manpower legislation now before the Congress would do just that—and the result would be too many more doctors serving too few people at too high a cost.

Here, too, Congress must set up financial incentives that can move medicine in a new direction. We must encourage a shift from a system dependent on the individual doctor to a system built around the concept of the health team, composed of primary care physicians and other medical professionals. Teams would allow us to allocate medical resources with maximum efficiency and to maximum effect. They would employ paraprofessionals to relieve nurses and doctors from routine, time-consuming tasks. They would gather together diverse skills—from internists to pediatricians—and patients would deal with the team, not just a single physician. Einstein has experimented with the health team concept. The Federal Government must make Einstein's experiment national policy.

And health teams must be sufficient in distribution as well as in number. Federal bonuses must make it worthwhile to practice in the inner city and in rural America. Medical care cannot reach people unless people can reach doctors. And people must have more than geographic reach. A health team should also be subject to the reach of local influence.

Location incentives for health services must be designed to create responsive, personal structures. It was never right—and it is no longer possible—to satisfy Americans with distant, impersonal medical care. The system must respect everyone's identity—and sacrifice no one's dignity. And we must always remember that it is easier for a patient to reach a health team that he knows—than a shining new medical center walled off from surrounding rural poverty or a nearby urban ghetto.

The third medical right of all Americans is care within their needs. The present health insurance system is heavily biased toward high-cost hospital treatment and against preventive health care. That is incredibly expensive—and incredibly insensitive to the real needs of people. It has filled hospitals with patients who should not be there and would be better off elsewhere. A new national health program must reverse the old priorities. It must guarantee a range of medical services, comprehensive in scope, preventive in emphasis, and restricted only by the scope of scientific knowledge.

America's concern over the quality of health care has reached a high water mark in 1971. You are graduating from medical school at a time when the whole medical profession may be profoundly altered. You should welcome change—and work for change. Only in the context of a medical bill of rights for every American, can each of you truly and in the most literal sense profess your profession—which is nothing more and nothing less than the protection of human life.

And that requires not just a medical bill of rights, but a social bill of rights. The real cure for lead poisoning is not hospital care, but decent housing. The most effective treatment for malnutrition is adequate food. And the best guarantee of good health is a physically and emotionally health environment.

As health professionals, you must commit yourselves to total health care. And total care includes virtually everything that determines whether we are sick or well. You cannot confine yourselves to the technical skills you have learned here. You must also practice the fundamental human concern of a school like Einstein.

You must speak out for a fair and sensible medical care system.

You must stand up for social progress and for people—whether they are your patients or migrant workers two thousand miles away.

You can cure individuals—and you must help America build a compassionate society.

It will take time. There will be setbacks and frustrations and defeats. But men and women who come from Einstein have good reason to believe that we can finally fashion a country that is great enough to be good. You have seen in your own lives what a difference one school can make. Now all of you have a chance to make a real difference in the lives of others.

The practice you choose and the practices you follow may not change our country overnight. But you can remind us by example of Aristotle's ancient truth: "Health of mind and body is so fundamental to the good life that if we believe men have any personal rights at all as human beings, they have an absolute moral right to the measure of good health that society is able to give them."

That is our challenge and our chance. Two thousand years after Aristotle wrote, we must secure a medical bill of rights for our own people. We can wait no longer—in health care or in society. In our individual lives and in our national life, whatever we can do, and whatever we dream we can do, we must begin now.

THE CIA FIGHTS ILLEGAL DRUG TRAFFIC

Mr. HANSEN. Mr. President, earlier this year I had the pleasure of addressing an ROTC group who was in the audience, questioned me in regard to certain allegations made in Ramparts magazine that the Central Intelligence Agency encouraged the opium traffickers of Indochina.

I doubt that such allegations have been given credence by many Americans, but apparently Mr. Ginsberg either believed them to be true, or chose to pretend that he believed them. But because I do not take such serious charges against our Government lightly, and believe that none of us should allow unjust criticism of our Government to stand unchallenged, I recently asked the Bureau of Narcotics and Dangerous Drugs to set the record straight on these accusations.

Bureau Director John Ingersoll replied this week, and his remarks are timely in view of the major initiatives President Nixon is expected to announce today to help deal with the illegal drug problem.

Mr. President, Mr. Ingersoll has reported to me that the CIA is his Bureau's strongest ally in identifying foreign sources and routes of illegal trade in narcotics. I ask unanimous consent that his letter of June 15 be printed in the RECORD, followed by a report on recent trends in the illicit narcotics market in Southeast Asia, and my telegram of May 11 which was printed in the final spring semester edition of the University of Wyoming student newspaper, the Branding Iron.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 15, 1971.

Hon. CLIFFORD P. HANSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HANSEN: This is in response to your letter of June 9, 1971, concerning charges made in "Ramparts Magazine."

Charges made in the article appear to be a part of a continuing effort to discredit agencies of the U.S. Government, such as the U.S. Military, the FBI, the CIA, and the Department of State, all of which are, in point of fact, working actively with the Bureau of Narcotics and Dangerous Drugs (BNDD) in our worldwide effort to curtail international drug traffic.

Actually, CIA has for sometime been this Bureau's strongest partner in identifying foreign sources and routes of illegal trade in narcotics. Their help has included both direct support in intelligence collection, as well as in intelligence analysis and production. Liaison between our two agencies is close and constant in matters of mutual interest. Much of the progress we are now making in identifying overseas narcotics traffic can, in fact, be attributed to CIA cooperation.

In Burma, Laos, and Thailand, opium is produced by tribal peoples, some of whom lead a marginal existence beyond the political reach of their national governments. Since the 1950's, this Southeast Asian area has become a massive producer of illicit opium and is the source of 500 to 700 metric tons annually, which is about half of the world's illegal supply. Up to now, however, less than ten percent of the heroin entering the United States comes from Far Eastern production.

The dimensions of the drug problem and the absence of any strong political base for control purposes has been a dilemma for United Nations opium control bodies operating in Southeast Asia for many years. Drug traffic, use, and addiction appears to have become accepted as a fact of life in this area and, on the whole, public attitudes are not conducive to change.

The U.S. Government has been concerned that Southeast Asia could become the major source of illicit narcotics for U.S. addicts after the Turkish production is brought under control. The Bureau of Narcotics and Dangerous Drugs, with the help of CIA, DOD, and the Department of State, has been working to define and characterize the problem so that suitable programs to suppress the illicit traffic and eliminate illegal opium production, such as the proposed United Nations pilot project in Thailand, can be implemented.

It is probable that opium production in Southeast Asia will be brought under effective control only with further political development in these countries. Nevertheless, in consideration of U.S. Military personnel in the area, as well as the possibility that opium from this area may become a source for domestic consumption, concerned U.S. Agencies, including CIA, Bureau of Customs, DOD, and State, are cooperating with BNDD to work out programs to meet the immediate problem as well as provide longer term solutions.

Since the subject matter of your letter concerns CIA, I have taken the liberty of furnishing a copy along with my reply to Director Richard Helms.

Sincerely,

JOHN E. INGERSOLL,
Director.

RECENT TRENDS IN THE ILLICIT NARCOTICS MARKET IN SOUTHEAST ASIA

1. The reported increasing incidence of heroin addiction among U.S. servicemen in Vietnam and recent intelligence indicating that heroin traffic between Southeast Asia and the United States may also be increasing suggest that Southeast Asia is growing in importance as a producer of heroin. While this phenomenon in part reflects improvement in information available in recent months to the U.S. Government, there are also good indications that production of illicit narcotics in Southeast Asia has indeed risen in 1971.

BACKGROUND

2. The Bureau, Laos, Thailand border area, known also as the "Golden Triangle," is considered one of the world's largest opium producing regions. This region normally accounts for about 700 tons of opium annually or about one-half of the world's total illicit output. A substantial proportion is consumed within the region. Burma, by far the largest producer of opium in this region, accounts for about 400 tons annually.

BURMA

3. Production in Burma is concentrated in the Eastern and Northern parts of Shan State and in the Southwestern part of Kachin State. Poppy fields cover the rugged slopes in Eastern Shan State around Keng Tung and in Northern Shan State from Lashio east and north to the China border. The latter territory, comprised of the former Wa and Kokang feudal states, is now a center of insurgency directed against the Burmese government, with much of the area under insurgent control.

4. The growing season varies with the altitude, but the planting season generally falls during the months of August and September, with the harvest some seven months later during February and March. At harvest time the women of the hill tribes slit the poppies and collect the raw opium by hand. The opium plants themselves are ground into a compound for smoking. In Northeast Burma, the raw opium is packed by the growers and traded to itinerant Chinese merchants who transport it to major collection points, particularly around Lashio and Keng Tung. Agents of the major entrepreneurs circulate through the hill country shortly after harvest time arranging for payment and pickup. Payment is often in the form of weapons and ammunition, although gold and silver rupees are also used.

5. The opium harvested in Shan, Wa, and Kokand areas is picked up by caravans that are put together by the major insurgent leaders in these areas. The caravans, which can include up to 600 horses and donkeys and 300 to 400 men, take the opium on the southeasterly journey to the processing plants that lie along the Mekong River in the Tachilek (Burma)-Mae Sai (Thailand)-Ben Houei Sai (Laos) area. Caravans carrying in excess of 16 metric tons have been reported.

THAILAND

6. Opium-growing areas in northern Thailand are located in the upland tracts occupied by various tribal groups. The provinces of Chiang Mai, Chiang Rai, and Nan, which have the largest concentration of Meos, produce most Thai opium. Illicit opium production in Thailand is estimated at 200 tons.

LAOS

7. Another, less productive, opium growing area is along the 2,500 to 4,500 foot high mountainsides of Northwest Laos. The opium cultivated by the Meo in this area is of a relatively lower grade and thus less suitable for refinement into morphine base or heroin. In these areas where the tribesmen have been encouraged to grow corn, the poppies are planted among the corn. When the corn is cut, the poppies continue to grow until they too can be harvested.

8. Major producing areas include Phong Saly Province in the North, Houa Phan (Samneua) Province in the Northeast, and the Plaine des Jarres area of Xiang Khoang Province in the East-central part of the country. However, large areas of production in Phong Saly Houa Phan, and Xiang Khoang have fallen under the control of the Pathet Lao and North Vietnamese.

9. The trade in Northwest Laos is well structured and organized for significant commercial exploitation. There are no advance purchasing agents or pick-up caravans. The harvested opium and the poppy plants which are ground up for smoking are transported to nearby village markets by the growers themselves. In highland market places the raw opium and its by-product are used openly as currency. Ethnic Chinese merchants are the traditional purchasers of the opium products throughout Laos. The products they collect are transported to population centers and also to processing plants along the Mekong River by travelers, particularly government soldiers, who have the most mobility and access to air travel in the area, and refugees. Opium produced in the Communist-controlled areas also finds its way into the regular marketing channels.

DISTRIBUTION AND REFINERIES

10. The KMT irregular "armies" and the Burmese Self Defense Forces (KKY) are the most important trafficking syndicates in Northern Southeast Asia. The KMT irregulars—formerly the remnants of the Chinese Nationalist forces which retreated across the Chinese border in 1949—now composed largely of recruits from the local population, have a combined strength of between 4,000 and 6,000 well-armed men. The largest force, with an estimated strength of 1,400 to 1,900, is the Fifth Army. The second largest with a troop strength of between 1,200 and 1,700 is the Third Army. The headquarters of both armies are located in a remote part of Northern Thailand between Fang and Mae Sai. It is estimated that these two KMT irregular forces control more than 80 percent of the opium traffic from the Shan State.

11. The KKY have been major competitors of the KMT irregulars in the opium trade. the KKY are comprised of former Shan State insurgents and bandits who have allied themselves with the Burmese government against both the KMT and Chinese Communist-backed insurgents. In return the government of Burma allowed them to pursue their opium trafficking activities.

12. The Shan States Army, an insurgent group, is also heavily involved in the opium business. It maintains several camps in Northern Thailand where opium is marketed for weapons and military supplies.

13. About 140 tons of raw opium is normally transported annually out of Northeast Burma to foreign markets. Most of this opium is stored or processed in the Mekong River tri-border area before transiting Thailand and Laos. Tachilek, Burma is probably the most important transshipment point in the border area. In 1970, out of a total of 123 tons reportedly shipped out of Northeast Burma, 45 tons was received in the Tachilek area. In the first two months of 1971, 58 out of a total of 87 tons had Tachilek as its destination. Other important transshipment points appear to be located in the vicinity of Ban Houei Sai, Laos, and Mae Salong, Thailand.

14. There appear to be at least 21 opium refineries of various sizes and capacities located in the tri-border area, of which about 7 are believed to be able to process to the heroin stage. The most important are located in the areas around Tachilek, Burma, Ban Houei Sai and Nam Keung, Laos, and Mae Salong, Thailand. The best known, if not largest of these refineries is the one at Ban Houei Tap, Laos, near Ban Houei Sai which is believed capable of processing some 100 kilos of raw opium per day. The 14 refineries in the Tachilek area apparently process the largest volume of raw opium in the region. In 1970, about 30 tons was converted by the Tachilek refineries into refined opium, morphine base, and heroin.

15. The typical refinery is on a small tributary of the Mekong River in an isolated area with a military defense perimeter guarding all ground approaches. Most of these refineries operate under the protection of the various military organizations in the region, or are owned or managed by the leaders of these military groups. The KKY units protect and operate most of the refineries in Burma. Leaders of these groups also hold an ownership interest in many of these facilities. In Thailand, the refineries appear to be operated by units of the KMT irregulars, whereas in Laos, most of the refineries operate under the protection of elements of the Royal Laotian Armed Forces (FAR). While the management and ownership of the Laotian refineries appear to be primarily in the hands of a consortium of Chinese, some reports suggest that a senior FAR officer may hold an ownership interest in a few of these facilities.

16. Most of the narcotics buyers in the tri-border area are ethnic Chinese. While many of these buyers pool their purchases, no large syndicate appears to be involved. The opium, morphine base, and heroin purchased in this area eventually finds its way into Bangkok, Vientiane, and Luaing Prabang, where additional processing may take place before delivery to Saigon, Hong Kong, and other international markets.

17. Much of the opium and its derivatives transiting Thailand from Burma moves out of such Northern Thai towns as Chiang Rai, Chiang Mai, Lampang, or Tak by various modes of ground and water transport. These narcotics, along with those produced in Thailand, are smuggled into Bangkok for further refinement into morphine or heroin. A considerable quantity of the raw opium and morphine base is sent by fishing trawler from Bangkok to Hong Kong during a period from about 1 January to 1 May. During this period, approximately one fishing trawler a day—carrying one to three tons of opium and/or quantities of morphine base—leaves Bangkok for Hong Kong. The boats proceed to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles south of Hong Kong—where the goods are loaded into Hong Kong junks.

18. Opium and its derivatives which move through Laos are transferred from the Mekong River refineries by river craft and FAR vehicles to Ban Houei Sai, farther downstream on the Mekong in Laos, from where it is transported on Royal Laotian Air Force (RLAF) aircraft to Luang Prabang or Vientiane. From Vientiane narcotics are usually sent via RLAF aircraft, as well as Air Laos, to other cities in Laos such as Savannakhet or Pakse or to international markets. A considerable portion of the Laotian produced narcotics is smuggled into Saigon on military and commercial air flights, particularly on Royal Air Laos and Air Vietnam. Although collusion between crew members and air line agents on one hand and individual narcotics smugglers on the other has been reported, poor handling of commercial cargo and the laxity of Lao customs control in Vientiane and other surreptitious loading of narcotics aboard commercial flights.

RECENT CHANGES IN THE AREA

19. There are tentative indications that larger quantities of raw opium may now be moving into the tri-border area for refining and that larger quantities of this raw opium are now being refined into morphine base and heroin in this area. As suggested in paragraph 13 above, data on the first two months of 1971 indicate that the Tachilek transshipment and refining area may be receiving and processing sizably larger amounts of raw opium than was the case in 1970. As for changes in the type of refined narcotics produced, the processing plants at Mae Haw in Thailand and Houei Tap in Laos now appear to be converting most of their opium into #4 or 96 percent pure white heroin. Previously, these refineries tended to produce refined opium, morphine base and #3 smoking heroin. An increased demand for #4 heroin also appears to be reflected in the steady rise in its price. For example the mid-April 1971 price in the Tachilek area for a kilo of #4 heroin was reported to be U.S. $1,780 as compared to U.S. $1,240 in September 1970. Some of this increase may also reflect a tight supply situation in the area because of a shortage of chemicals used in the processing of heroin. Rising prices for opium and its derivatives can also be seen in other areas of Southeast Asia.

20. The establishment of new refineries since 1969 in the tri-border area, many with a capability for producing 96 percent pure heroin, appears to be due to the sudden increase in demand by a large and relatively affluent market in South Vietnam. A recent report pertaining to the production of morphine base in the Northern Shan States would indicate a possible trend toward vertical integrations—producing areas establishing their own refineries—in the production of narcotics. Such a development would significantly facilitate transportation and distribution of refined narcotics to the market places.

MAY 11, 1971.

Miss VICKI WHITEHORN,
Editor, % The Branding Iron, University of Wyoming, Laramie, Wyo.

DEAR MISS WHITEHORN: In a letter to the editor, published in *The Branding Iron* of April 23, 1971, Mr. Allen Ginsberg asked my comments on some allegations contained in a recent issue of *Ramparts Magazine* which, in Mr. Ginsberg's words allege "that our government's Central Intelligence Agency has been for decades subsidizing the main opium traffickers of 83 per cent of the world's illegal supply in Indochina," and "that the CIA did actually subsidize main opium traffickers in Indochina as part of our political policy."

I do not take such serious charges against our government lightly, nor do I feel the students at our University can afford to take such charges lightly. None of us should allow unjust criticism of our government to go unchallenged. Therefore, I have sought the facts and hope you are able to print this in its entirety.

Having thoroughly investigated these allegations, I can state categorically that they are completely unfounded. As recently as April 14 of this year, the Director of Central Intelligence stated in an address to the American Society of Newspaper Editors: "There is the arrant nonsense, for example, that the Central Intelligence Agency is somehow involved in the world drug traffic. We are not. As fathers, we are as concerned about the lives of our children and grandchildren as are all of you. As an agency, in fact, we are heavily engaged in tracing the foreign roots of the drug traffic for the Bureau of Narcotics and Dangerous Drugs. We hope we are helping with a solution; we know we are not contributing to the problem."

The Central Intelligence Agency is directly accountable to the President, through the National Security Council which is privy to all of its activities; it is subject to the scrutiny of the Office of Management and Budget, which oversees is expenditures; to the President's Foreign Intelligence Advisory Board, made up of distinguished private citizens; and to four Committees of the Congress, to whom it reports on all its activities. To suppose that in these circumstances the Agency could conduct the activities alleged in the *Ramparts* article without the knowledge or approval of any of these authorities to which it is responsible, or that any of these authorities would sanction such activity, is the ultimate in absurdity.

Turning to some of the more specific allegations in the *Ramparts* article, it is worth noting that:

So far as opium entering the U.S. is concerned, recent studies indicate that perhaps only about 5 per cent of the illegal imports come from all of Southeast Asia, the remainder originating mainly in the Middle East;

Roland Paul, a former investigator for the Senate Foreign Relations Committee who made a study of the area last year, writes in the April issue of *Foreign Affairs* that "in passing it may be interesting to note that because of their long association with the American agency (CIA), the hill tribes have shifted their agricultural emphasis from opium to rice," a conclusion which can be solidly documented from other authoritative sources.

In fact, efforts of American agencies to discourage opium growing among these hill tribes has produced a North Vietnamese propaganda campaign encouraging and applauding the raising of opium poppies. This campaign contrasts the Communist-controlled areas where the population can "make our living as we wish" by raising opium to the lot of those under "imperialist domination" who are restrained from doing so. (In view of his concern, perhaps Mr. Ginsberg would like to raise the matter with the authorities in Hanoi.)

In summation, I can assure you that the allegations in question are completely false and that no U.S. Government agency operating in Southeast Asia has approved, supported, or condoned illegal drug production or traffic. On the contrary, these U.S. Government agencies are all cooperating in efforts to discourage opium production and distribution and these efforts have had at least some success.

Sincerely,

CLIFFORD P. HANSEN.

STEP BACKWARD—PSYCHIATRIC TRAINING CUTS UNWARRANTED

Mr. HUMPHREY. Mr. President, the administration's proposed cutback in psychiatric training is a cruel and unwarranted step backward in the field of mental health.

President Nixon has proposed a $6.7 million cut in funds for the National Institute of Mental Health's training support for fiscal 1972 and a planned phaseout of the entire $34 million program for psychiatric residency training.

This cutback would mean the loss of more than 1,000 hospital residency positions and severe curtailment of mental health services to the poor.

For example, the Presbyterian Hospital in the Bronx, N.Y., treats about 5,000 emotionally disturbed persons a year from the black and Puerto Rican communities.

If the President's cutbacks go into effect, the number of psychiatric residents would drop from 30 to 18 and the number of patients served would be reduced by an estimated 2,000.

It is important to emphasize that almost all of the patients seen at this facility are poor people, and there is no other psychiatric service available to them.

At a time when we are trying to upgrade health care and do more to help those with mental problems, we cannot afford to be cutting back.

Drug use, alcoholism, crime, and delinquency are creating severe emotional problems and increasing the demand for mental health services. The growing drug crisis among Vietnam veterans and soldiers is further compounding the situa-

tion. The need for more professional psychiatric manpower is ever more evident.

There is little evidence that mental illness is declining. On the contrary, there is evidence that it is increasing. And the administration's programs are inadequate on both the preventive and curative sides. Nor is it moving effectively to get at the roots of emotional problems.

How can we expect emotional stability when we lock young people into slum housing in ghetto communities? When we give them substandard education? When they are hungry and malnourished?

Mr. President, today, more than ever before, our society is beset with enormous problems because of major social, economic, and political changes.

Our youth, our minorities, our poor, our veterans—are confronted with unique problems of an extremely serious nature.

The problems that they face are reflected in different ways.

Our youth and our veterans in increasing numbers turn to drugs and alcohol. Our young become delinquents and engage in crime. Or they decide to disown everything about this country and withdraw into subcultures dominated by antiheroes.

It is our task to show them that life is worth living and that it can be fulfilling, rewarding, and happy.

It is our job to see that there are educational and vocational opportunities—

Freedom from racism and discrimination,

Good nutrition and adequate, wholesome housing,

The lifting of inequities,

And freedom from wars which deprive our youth of life and peace of mind.

Meanwhile the many problems our young people and others face often cause deep emotional conflicts.

One way to solve these problems is to strengthen programs in health and the programs operated by trained professionals to combat drug abuse, alcoholism, alienation, and the dreadful and sometimes irreversible effects of poverty.

CHILDREN

Let me begin with our Nation's children. Too few children who need psychiatric attention receive it during the critical period before age 6. A New York survey provided by the American Psychiatric Association shows that only one out of 1,400 children needing care between 2 and 5 years of age are being treated either in clinics or by private psychiatrists.

Comparable ratios reported one out of 170 receiving care between 6 and 11; one out of 110 between 12 and 14; and one out of 90 between 15 and 18. In the entire population between ages 2 and 18, only one out of 160 are being treated.

The Joint Commission on Mental Health of Children made recommendations to guarantee the mental health of our Nation's children in a report entitled, "Crisis in Child Mental Health: Challenge for the 1970's."

These recommendations included correcting many of the social inequities or inadequacies which cause mental and emotional problems among our children.

The inequities include segregated housing in ghetto communities, hunger, and malnutrition, poor working conditions and an inadequate minimum wage level for parents, inadequate facilites and services to meet the physical and mental health needs of American children and their families, lack of prenatal care, lack of family planning and birth control services, and lack of integration of physical and mental health services with the educational system.

Serious mental health problems exist among our Nation's youth. A New York City study, for example, shows that 4 out of 5 leading causes of death among young people aged 15 to 35 can be attributed to disturbed behavior, including drug addiction, homicides, and suicides.

VETERANS

Our young Vietnam veterans are suffering from a drug problem which has reached crisis proportions. Because of it there is a rising rate of mental and emotional illness. It is said that more than 100,000 of these veterans are victims of this addiction.

Meanwhile, the Veterans' Administration has stated that they have facilities and services to treat only 7,000 of them in 1972.

The Vietnam veteran is beset with numerous other problems today which erode his mental health. He is no longer accorded the deserved status of one who has served his country.

He also is not honored for having taken part in an unpopular war. He is not encouraged to readjust to civilian life, and he is frequently the victim of unemployment.

It has been a time-honored tradition in our country that our war veteran be given the opportunities to rediscover his role in society. But we now find ourselves remiss in this responsibility. Is there any doubt why the veteran is losing his way? We must rehabilitate those who need rehabilitation, and that includes improved mental health services and training of mental health professionals.

THE POOR

The poor in our country also suffer disproportionately from mental and emotional illness.

Social deprivation, poor housing, poor health, and health facilities and services, poor nutrition, and the complex factors introduced in the human relationships of a poverty environment are all contributing causes to the high incidence of mental illness among the poor.

It has been shown that severe malnutrition of either mother or baby in the early stages of development can be a cause of mental retardation. There is new and more conclusive evidence that severe prenatal and postnatal malnutrition may inhibit the division of cells in the developing brain, and thereby cause mental retardation. Prenatal and postnatal factors such as clinical and subclinical brain injuries relating to problems of pregnancy also occur at a significantly higher ratio among the poor.

Scientists have established many links between conditions of poverty and poor mental and physical health.

Here it is to be noted that a significant number of mental health services to the poor are provided by psychiatric residents, physicians who are taking a graduate course of study to become specialists in psychiatry.

If the number of these residents is decreased, as it would by the proposed administration's action to phase-out the National Institute of Mental Health training supports, mental health services to the poor would be severely curtailed. The American Psychiatric Association in a national survey has shown that one-third of these residencies would be lost if the training supports were lost.

For example, at Presbyterian Hospital in the Bronx, N.Y., a large volume of psychiatric care is provided to indigent blacks and Puerto Ricans living in the area immediately surrounding the hospital. The Department of Psychiatry of Columbia Medical School administers the psychiatric service of the hospital. Virtually all the patients treated in this service—about 5,000 a year—are seen by the 30 psychiatric residents in training at this hospital. Forty percent of these residents, 12 men and women, are supported through the Federal stipend program.

If this program is eliminated the medical school would have to reduce its residency program from 30 to 18. It would not be able to find other funds to replace this Federal source of support.

As a result, the psychiatric service at the Presbyterian Hospital would have to drastically reduce the number of patients it can serve a year—from 5,000 to 3,000. And the number of weekly treatment visits would be cut from 830 to 498. This means that there would be some 17,000 fewer treatment sessions per year. It is important to emphasize that almost all of the patients seen at this facility are poor. There is no other psychiatric service available to them.

The mental health problems of minority groups occur in roughly the same proportion as they do among the poor, and often the two are synonymous. However, minority groups have additional barriers to good mental health, having to overcome the effects of low self-esteem, alienation, and prejudice.

Forty percent of the hospital beds in our Nation are occupied by the mentally ill, and 1 in 10 of our population suffers from some form of mental or emotional illness. A recent Public Health Service survey showed that nearly 20 million Americans either had had a mental or emotional breakdown, or thought themselves close to it.

The mental health field has made great strides since 1945. At that time, there were nearly 3,000 psychiatrists in the United States. During World War II, in order to cope with new neuropsychiatric problems, the armed services were compelled to establish special schools to train medical officers in psychiatry. The enactment of the National Mental Health Act of 1946 created training funds for psychiatrists because of a dire national need.

The program has worked well.

Nevertheless, the great need continues. There is little indication that mental illness is on the wane in our country. Half of those who now present them-

selves to a physician, complaining of physical symptoms, are found to have an element of mental or emotional illness.

There is no question that modern society imposes strains and stresses on the human psyche never experienced before, and the casualty rate is great.

Behavioral problems, such as drug addiction, alcoholism, and the problems of childhood and adolescence have been recognized by the Congress as problems we must face squarely. Therefore, we have mandated augmented programs in all of these areas which must be carried out.

An adequate and well-trained supply of mental health professionals must be made available if these programs are to be carried forward.

Many psychiatrists have amply demonstrated their social consciousness. Close to 60 percent of their time is devoted to institutional services. Increasing cadres of young psychiatrists are taking a great interest in the community mental health centers program. But many more are needed. Our stated goal is 2,000 community mental health centers to serve the mental health needs of our population. Seven and one-half years after the passage of this historic legislation, we have less than 300 in operation. A great part of the problem lies in the inadequacy of staffing grants to man this growing network.

Through the years our research has developed new methods in coping with mental illness. The development of psychotropic drugs have enabled many of our mentally ill to resume useful roles in the community. Protracted stays in mental institutions have greatly diminished, and the resident population of state mental hospitals has dropped from over 500,000 in 1950 to slightly over 300,000 today

There is great hope for the future, as we begin to uncover some of the secrets of mental illness.

But at the time especially, we cannot afford to diminish the ranks of our mental health professionals.

I am distressed that the 1972 budget message to Congress projects a $6.7 million cut in psychiatric residency training funds.

These funds are needed to train psychiatrist to fight the problems I have outlined.

Under the administration's proposal, there will be an elimination of the current $34 million for psychiatric training over the next 3 years.

Such cutbacks are not in tune with the times.

We must expand our efforts in the mental health field. We cannot afford to retreat.

REVENUE SHARING FOR PUBLIC ASSISTANCE ACT

Mr. TOWER. Mr. President, I am extremely pleased to join my good friend from Nebraska, Senator CURTIS, in cosponsoring S. 2037, the "Revenue Sharing for Public Assistance Act," which he introduced on June 10.

The entire Congress is now well aware of the tremendous problems this Nation faces in reforming our current welfare system. President Nixon was perhaps the first figure of national prominence to recognize this problem. In his original message on welfare reform, the President said:

> The present welfare system has failed us—it has fostered family breakup, has provided very little help in many States and has even deepened dependency by all too often making it more attractive to go on welfare than to go to work.

Since the first Presidential message August 11, 1969, the Congress has attempted to find a rational and workable solution. Last year, the House of Representatives passed the Family Assistance Plan. The Senate Finance Committee held lengthy hearings on this measure and finally reported it unfavorably to the Senate. After considerable debate during the waning hours of the 91st Congress, the Senate took no action.

The Family Assistance Plan was reintroduced on behalf of the Nixon administration by the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, in the 92d Congress, as H.R. 1. Included in the bill are various reform measures intended to improve the social security, medicare and medicaid programs. The bill has been again reported favorable to the House of Representatives by the Ways and Means Committee. I am extremely pleased by the action taken by the House Rules Committee which will enable a separate vote on the family assistance plan, independent of the other sections of the bill which include a 5-percent increase in social security.

As Senator CURTIS stated in his introductory remarks, S. 2037 has as its primary objective the return of decisionmaking and administrative powers regarding public welfare to the several States. The bill is based upon the revenue-sharing concept proposed by President Nixon. I support the revenue-sharing concept and I believe it can be well applied to welfare reform.

I strongly believe that by returning government power to the States, which have traditionally had the responsibility for implementing public assistance programs, we can reduce overall Government expenditures and simultaneously provide help for those who are truly in need. The bill I now join as cosponsor would provide block grants to each of the States to meet the fiscal crisis that has been primarily thrust upon them by increased expenditures for the Aid to Families with Dependent Children—AFDC—program. It would allow the States to establish any type of public assistance program they deem necessary to meet the problems of their citizens. Each State would be required to provide a fixed percentage of the cost of each of its welfare programs. The Federal Government would supplement payments above the percentage for each welfare program through the block grant procedure.

This method employs the two ingredients which I believe essential to effective welfare reform. First, it would allow the States the opportunity to control and administer a particular set of programs which can be tailored to meet their own specific needs in an area traditionally under State jurisdiction. Secondly, it would relieve the States of the fiscal burden that has been forced upon them by administrative edicts emanating from the Federal establishment, notably the Department of Health, Education, and Welfare.

For a moment I would like to examine the AFDC program. This program has caused the upshoot in welfare panic that is now upon us. The AFDC program provides public assistance to needy family units with children. Most of these families are headed by the mother, who is often unable to work because of family responsibilities. The most ridiculous aspect of this program is that it encourages family breakdown by reducing the level of assistance if a male resides in the home. This limitation has often resulted in either temporary or permanent male desertion from the household in order for the family to qualify for AFDC payments.

If there is a poverty cycle based upon a distinctly unhealthy social relationship found in millions of American households, then it is certainly caused to a large extent by the hypocritical regulations of the AFDC program. While the AFDC program is mostly State supported, it originated within the Federal establishment, and many of the guidelines supporting the program have been federally imposed upon the States.

Government expenditures for the AFDC program reflect the thoughts I have just expressed. According to the chairman of the House Ways and Means Committee, expenditures for the AFDC program for the month of January 1971 was $482.4 million—a 40.5 percent increase over the previous January. The number of recipients rose from 7.5 million in January 1970 to 9.7 million in January 1971—2¼ million more people in 1 year.

My own State of Texas is now facing a monumental welfare crisis. According to a State senate committee, AFDC rolls are increasing on the average of 12,000 a month. During the decade of the 1960's the number of payments increased by 250 percent. The number of children on the AFDC rolls increased by a similar amount. Total payments increased by more than 300 percent. To dramatize the fact that the welfare problem is primarily caused by the AFDC program, it should be noted that for the same 10-year period the number of individuals receiving old age assistance payments in the State of Texas increased by only 10,000 people. The amount of payments for this program increased by only $3 million.

Texas State officials are attempting to devise methods to insure that public assistance payments are maintained in the upcoming fiscal year. However, there is a State constitutional limit on welfare expenditures and there is a good chance that benefits will have to be reduced for all groups receiving public assistance, including old age assistance beneficiaries, the majority of whom are over the age of 75.

Therefore, it would seem natural that State officials would look for out-of-State

fiscal relief to resolve this crisis. I do not blame some of these officials for endorsing complete federalization of all welfare programs. It would seem that the Federal Government would be a logical source because of its ability to collect and disburse large sums of revenue.

There is no question in my mind that the Federal Government must come to the assistance of the States in meeting this problem. Yet, with complete federalization of the welfare program, the States will surrender any remaining powers they have to regulate the type of program to be instituted. Through its stringent and uncompromising requirements, the Federal Government has been the major direct cause of the welfare crisis now upon us.

Gov. Ronald Reagan of California has been in the forefront in the battle for welfare reform at the State level. In his message to California State Legislature on welfare reform, the Governor succinctly dramatized the reasons against federalization of welfare:

> The idea of simply surrendering our authority and administrative machinery to the same huge Federal system that created the crisis in the first place is simply unacceptable to me.

I completely agree with Governor Reagan on this point. At the same time, I believe the Federal Government has an obligation to relieve the States of the problem that it, the Federal Establishment, has created. It is for this reason that I am supporting the Revenue Sharing for Public Assistance Act which will relieve the States of this financial problem, while allowing them to institute programs suited to the needs of their citizens without Federal encroachment.

A few days ago, an address by the Honorable Edward Reinecke, Lieutenant Governor of California, was inserted into the CONGRESSIONAL RECORD. I enjoyed reading his remarks and strongly concur with the thoughts he expressed. The Lieutenant Governor of our largest State spoke of welfare as a problem unique to the various States and localities throughout the Nation:

> Welfare is not a national problem. Welfare is a local problem that occurs in every one of the 50 States. And unless we think of welfare recipients as individuals who have real problems and personal difficulties which must be overcome, we will end up with a spiritless army of national dependents. We will have a corps of people existing on federal handouts, people who are no longer considered to be local responsibilities. I can think of no more inhuman and callous method of handling the very deep social and personal difficulties which afflict our welfare clients.

The proponents of the family assistance plan included in H.R. 1, maintain that with the passage of this bill, fiscal relief will be almost instantaneous. This is only true to the extent that the 50 State governments will no longer have to pick up the majority share of welfare expenditures. However, the American people, through increased taxation, will eventually pay for adding the 10 million more people who will benefit if the plan is enacted.

Mr. President, if the family assistance plan is enacted over 25 million Americans will be eligible for welfare. I would hope that someone could inform me how welfare reform will be instituted by placing one out of every nine Americans on the public welfare rolls. No doubt millions of these Americans should be receiving some form of assistance because of physical disabilities, old age, or other unfortunate circumstances. But it seems highly impractical to suggest that by adding 10 million people to the welfare rolls we will be achieving welfare reform.

According to the House Ways and Means Committee report, 1,571,300 people will be eligible for welfare in the State of Texas if the family assistance plan becomes operative. Of these, more than 1.1 million will be eligible under the family category, which is similar to the AFDC program. These figures represent more than a 100-percent increase in the overall number of eligibles in the State, and perhaps even more astonishing, they represent nearly a 300-percent increase in eligibles under the family category.

These figures simply do not represent responsible reform. Furthermore, there are technical and philosophical questions involved in the ability of the Department of Health, Education, and Welfare to move people off the welfare rolls and onto the payrolls once the Nation has 25 million people on the caseloads who are supported through the use of general revenues. It has not yet been determined that those officials charged with the responsibility of encouraging the incentive mechanism built into the family assistance plan will actually work to achieve the success that most of us desire. I am not questioning Secretary Richardson, who has on numerous occasions convincingly expressed the point that without the incentive and work requirements the program would be a failure. Yet, none less than the distinguished chairman of the Senate Finance Committee, RUSSELL LONG, has questioned the sincerity of certain HEW officials who continue in positions of power throughout a number of administrations. These bureaucrats give only lipservice to the work incentive program as well as to the overall philosophical attitude in support of strong incentives and requirements that have been the keystone of President Nixon's statements on the welfare issue.

Furthermore, I am astounded by the report in the June 16 Washington Post in which Deputy Under Secretary of HEW Patricelli made it clear that the Department favors further liberlization of the family assistance plan when the bill comes to the Senate. I have no doubt that should the family assistance plan be enacted there would soon be attempts to increase the $2,400 guaranteed annual income provision for a family of four. However, it now seems apparent that the Department of HEW intends to join a number of Senators in support of raising the minimum even before the plan is enacted.

I do not have the figures to show how much a higher minimum income guarantee will cost the hard-working American taxpayer who has had to pay for the ever-increasing welfare costs over the past decade. I do know that passage of the family assistance plan will add some 10 million Americans to the welfare rolls at an initial cost of $5.5 billion to the American taxpayer. I do not consider this to be responsible reform and I cannot support this bill in its present form.

The Congress must enact some type of welfare reform. The Revenue Sharing Public Assistance Act in my view represents the best welfare bill thus far presented in the Congress. It allows the States the opportunity to devise solutions to their own problems. At the same time, it provides the funds to the States to resolve a crisis that for the most part has been caused by an irrational and unworkable program directed and controlled by the Federal Government.

Mr. President, this is the kind of responsible welfare reform the Congress should approve.

VIETNAM ARCHIVE AND THE FIRST AMENDMENT

Mr. BAYH. Mr. President, the publication by the New York Times of the Department of Defense study entitled "The History of U.S. Decision Making Process of Viet Nam Policy," has been met with an unprecedented response from the Nixon administration. Never before in the history of this Nation has the U.S. Government gone to court to keep a newspaper from printing the news.

Attorney General Mitchell says this censorship is justified, that printing these articles will cause "irreparable injury to the defense interests of the United States." If this is true, it is a serious matter indeed. But I would like to call to the attention of the Senate an editorial that appeared this morning in the Wall Street Journal. The Journal—certainly a publication without any partisan position opposed to the Attorney General on this question—states—

> ... after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

Now I do not agree with everything the Journal says, indeed I have often taken positions which the Journal has opposed editorially. But I believe that today's editorial makes an extremely important point—that excessive secrecy in Government is not in the best interest of this country, and, as the Journal's editorial points out—

> The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflects—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests.

The issue, Mr. President, is a clear one. Simply put, it is whether the Government trusts the people. I believe that the Government must take the people into its confidence. As Thomas Jefferson said 150 years ago—

> I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not en-

lightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Or, as the Wall Street Journal puts it—

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely upon the ingenuity of the press for such information, the Government has little justification for complaint.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal editorial of June 16, 1971, entitled "Official Secrets" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVIEW AND OUTLOOK: OFFICIAL SECRETS

In his demand that The New York Times halt publication of articles based on a secret Pentagon study of the origins of U.S. involvement in Vietnam, Attorney General Mitchell claimed that the disclosures will cause "irreparable injury to the defense interests of the United States."

Yesterday a federal judge granted the government a temporary order restraining The New York Times from publishing the last two installments of the study. But after reading what the Times has published so far, we find scant merit in the Attorney General's complaint. There is nothing in this record of the inside workings of American policy before 1968 that would be likely in any way to injure the "defense" interests of the United States today.

The very attitude that the retaliative reaction of the Attorney General and the Pentagon reflect—the idea that the truths involved in momentous government decisions should be "stage managed" for the benefit of public opinion—has done a great deal of harm to our national interests. This attitude, so prevalent in Washington in the mid-1960s, gave rise to the widespread impression that American leaders were not to be trusted. That opinion has weakend the country's world influnce and helped cause serious divisions at home.

If the Pentagon study has any current importance, it is in its revelation of the extent to which public distrust of the government was justified. That revelation does no further harm to America's "defense" or even its foreign-policy objectives at this late date. On the contrary, it could prove useful if it suggests that there should be much less official secrecy in the future conduct of American affairs.

The study evokes memories of the Washington climate in those days when the prevailing attitude of President Johnson and his advisers was that the public and the Congress could not be trusted with the truth. As the President moved in early 1965 from reprisal raids against North Vietnam to continuous bombing, the change brought serious "stage management" problems for the President, the analyst who wrote the report observes.

And showing only mild recognition of the implications, the report says the President was "being less than candid" when he told the press in March 1965 that he knew of no "far-reaching strategy that is being suggested or promulgated" for Vietnam. This was only a few days before U.S. troops in Vietnam were committed to offensive operations for the first time. There are plainer words than "less than candid" for the President's deception.

The Pentagon report confirms, if anyone had any lingering doubts, that there were good reasons why the government developed a "credibility gap" in the 1960s. The credibility gap proved costly to President Johnson and the Democrats in 1968 and it also was costly to the country.

We still are suffering the costs in widespread public and Congressional doubts about whether public statements of policy on Vietnam reflect the actual policy. And the argument that government no longer deserves trust and willing consent, although perhaps no longer justified, is used by radicals to justify guerrilla activities that could be dangerous to the nation's social and political fabric.

This kind of situation has been a large price to pay indeed for whatever benefits official secrecy might have had in the conduct of Vietnam policy. If the President's word cannot be trusted, how can there be any hope of sustaining a national sense of morality?

The flap over the Pentagon report might be an appropriate occasion for the present administration to reexamine its own attitudes toward secret formulation and conduct of national policy. Its reaction to the publication of the report suggests that some of the attitudes of the discredited Johnson regime have carried over into this administration.

Except when national security actually could be endangered, it should be the function of a democratic government to make public the record of past policy decisions on its own and to make current policy abundantly clear. If it fails to do so, and the public has to rely on the ingenuity of the press for such information, the government has very little justification for complaint.

PROPOSED CONQUEST OF CANCER AGENCY

Mr. TAFT. Mr. President, I am delighted that the Senate Labor and Public Welfare Committee has unanimously reported S. 1828, a bill to create a "Conquest of Cancer Agency." This would be an independent agency within the National Institutes of Health.

Testimony before this committee has indicated that in 1969 we spent $410 per citizen for national defense, $125 for the war in Vietnam, and $19.50 for space exploration but only 89 cents for cancer research.

The striking disparity of these figures is highlighted by the fact that in 1969, 323,000 Americans died of cancer that year compared with 9,414 Americans who were killed in Vietnam for the same period.

As concerned as we all have been about Vietnam casualties, we have not given proper emphasis to a concerted effort to cure cancer. If a cancer casualty list were published in our daily newspapers perhaps Americans would recognize that almost 1,000 Americans die each day from this dreaded disease.

I am pleased that our committee has been able to strike a compromise between the administration bill and the Kennedy bill. By laying aside partisan considerations we can act decisively and promptly to undertake a major national research effort in a concerted way. The haunting specter of cancer is one which casts a dark shadow over every American family. Let us hope that this new effort will result in a meaningful breakthrough that can eradicate cancer and give hope to those who are now suffering from this dreaded disease.

THE VIETNAM CHRONOLOGY: "IRREPARABLE INJURY?"

Mr. KENNEDY. Mr. President, many of us are grappling in our own minds with the issues presented by the New York Times publication of the McNamara Vietnam chronology.

My own conclusion is that the full chronology and analysis should be made public. We have already seen the bulk of the materials from the Johnson years, and I think we should also see the materials from the Kennedy years and prior years, so that we can have the whole story, letting the chips fall where they may.

The only significant issue which some have raised is whether full release by the Times would inflict substantial damage on our national defense. I have seen no such possibilities in the material published so far, and I have no reason to believe the remainder will present such risks. But in any event I am willing to trust the self-discipline and dedication to the national interest of the New York Times, as well as the constraints presented by the Federal penal laws, as a guarantee that no information will be published which would constitute a substantial and actual threat to the present ability of the United States to maintain its military defense capabilities.

Moreover as Tom Wicker points out in today's New York Times, the Government in its lawsuit has not even made any specific allegations that release of the materials would bear in any way on current or future military operations. I believe the Members of the Senate may want to read Mr. Wicker's lucid analysis, and I ask that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRREPARABLE INJURY

(By Tom Wicker)

The Government has alleged that The New York Times, in publishing the Defense Department's own record of the nation's involvement in Vietnam, "has prejudiced the interests of the United States and the publication of additional excerpts . . . would further prejudice the defense interests of the United States and result in irreparable injury to the United States." That is a travesty of fact and common sense.

Is it alleged by the Government that these appalling documents are not genuine? No.

Is it alleged by the Government that The Times is in any way distorting or manipulating this historical record to its own ends? No.

Is it alleged by the Government that these documents bear in any way on current or future military operations? No.

Is it alleged by the Government that these historical documents recount any of the confidential deliberations concerning Vietnam of the present Administration? No; the compilation of the record was completed in 1968, before President Nixon's election.

There remain two ways in which The Times might be charged with having damaged the nation's "defense interests" by publishing historical documents. One is by the mere act of publication, since the Pentagon study was "classified."

Aside from the fact that newspapers publish and Government officials "leak" classified information every day—Presidents and Cabinet officers have been known to do it—the statute that The Times is alleged to have violated is one adapted to guard against espionage, not against a free press in pursuit

of its duty to publish. Nor can a wartime emergency be involved to justify supression of information about public business, since the Government in its wisdom has never seen it to declare war on North Vietnam or any other entity with which it may be at odds in Southeast Asia.

Since the documents in the Pentagon record go back to the Truman Administration, since they were collected in 1967 and 1968 expressly for historical purposes, and since they bear on present diplomatic and military exemptions only in a historical sense, for any newspaper or scholar to concede that they can properly be "classified" and kept from the public would be to concede that history itself can be classified and suppressed.

It must be, therefore, that the Government believes further publication would "result in irreparable injury to the United States" because of the content—because the documents themselves form an almost incredible record of subterfuge, deception, shortsightedness, mistakes, wrong assumptions and arrogant disregard of truth. Moreover, these are not the creation of that devil-press Vice President Agnew likes to denounce; nor are they the fantasies of "peaceniks." This is the factual record of what happened, compiled within the Pentagon itself, often by men who bore the responsibility for much of that record.

But no statute exists that says Government officials must be protected from the exposure of their follies or misdeeds. Indeed, the great lesson of the Pentagon record is that the ability to operate in secrecy breeds contempt for that very public in whose name and interest officials claims to act. It often is argued that government cannot function if its officers cannot deal with one another in confidence; but seldom if ever has it been so graphically demonstrated that when men are relieved of the burden of public scrutiny, uncomfortable as it may be, no other form of accountability can effectively take its place.

Although it may be long past the point when the tragedy might have been averted, and although it may now be too late to hold anyone effectively accountable for the blunders and deceptions of the past, one thing is apparent: reading this sad record can teach every American something about the nation, the world, the past—and therefore about the future. Can anyone maintain that the public will be less enlightened and the future of the nation more endangered if these documents are made available for study and reflection? On the other hand, can anyone conceivably suggest that the people of the United States would be better off and the interests of the nation further advanced if this dark chapter of its history were locked away in the vaults of the Pentagon?

To advance the latter argument would be to assert that truth has less value than deception, and that in a democracy the people ought not to know. Yet that is essentially what the Government is asking the courts to rule; and in the legal ground upon which it tries to base its case, it is also asking that the self-serving security classifications of the Defense Department take precedence over the First Amendment to the Constitution.

That is the only "irreparable injury" that can be done, in this painful matter, to the real interests of the United States, and it is not The New York Times that can perpetrate it.

PROPOSED REGULATIONS OF THE INTERNAL REVENUE SERVICE FOR ACCELERATED AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

Mr. COOPER. Mr. President, on December 9, 1969, I introduced on the floor my amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, to provide a 5-year amortization of the coal mine safety equipment needed in order to meet the requirements of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969. This amendment permits operators of nongassy mines located above the water table to writeoff over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install or the cost of converting existing equipment to a permissible condition within the period specified in the act.

My amendment was cosponsored by my colleague from Kentucky (Mr. COOK) and Senators BAKER, BYRD of West Virginia, BYRD of Virginia, RANDOLPH, SPONG, STEVENS, and SCHWEIKER and was accepted and taken to conference by the manager of the bill, the distinguished senior Senator from Georgia (Mr. TALMADGE). It was agreed to in conference and became section 707 of the Tax Reform Act of 1969.

I am pleased to note that the Internal Revenue Service has issued its notice of proposed rulemaking and proposed regulations to implement this provision of the 1969 Tax Reform Act, and they appear in the Federal Register of May 26. I would like to bring to the attention of interested parties that written comments on these proposed regulations should be submitted in writing to the Commissioner of Internal Revenue by June 25, 1971.

Mr. President, I ask unanimous consent that section 707 of the Tax Reform Act of 1969, Public Law 91-172, 83 Statutes-at-Large 706, and the proposed notice of rulemaking be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 91-172

SEC. 707. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 904 of this Act) the following new section.

"SEC. 187. AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a), may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(d) CERTIFIED COAL MINE SAFETY EQUIPMENT.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before January 1 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) SPECIAL RULES.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of the chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1969.

Internal Revenue Service

[26 CFR Part 1]

AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are sub-

mitted in writing, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 25, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner, by June 25, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674) relating to amortization of certain coal mine safety equipment, such regulations are hereby amended as set forth below. Section 1.187–1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following regulations are prescribed under section 187 to precede § 1.211:

§ 1.187 Statutory provisions; amortization of certain coal mine safety equipment.

Sec. 187. *Amortization of certain coal mine safety equipment*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) *Certified coal mine safety equipment.* For purposes of this section, the term "certified coal mine safety equipment" means property which——

(1) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

(2) The Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

(3) Is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) *Special rules.* (1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

[Sec. 187 as added by sec. 707(a), Tax Reform Act 1969 (83 Stat. 674)]

§ 1.187–1 Amortization of certain coal mine safety equipment.

(a) *Allowance of deduction*—(1) *In general.*—Under section 187(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in § 1.187–2), based on a period of 60 months. Such 60-month period shall, at the election of the taxpayer, begin either with the month following the month in which such equipment was placed in service or with the succeeding taxable year. For rules as to making or discontinuing the election, see paragraphs (b) and (c) of this section. For the computation of the adjusted basis (for determining gain) of any certified coal mine safety equipment, see paragraph (b) of § 1.187–2.

(2) *Amount of deduction.* (i) Such amortization deduction shall be an amount, with respect to each month of such 60-month period which falls within the taxable year, equal to the adjusted basis for determining gain of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. Such adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to any certified coal mine safety equipment for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year.

(ii) If any certified coal mine safety equipment is sold or exchanged or otherwise disposed of during a particular month, then the amortization deduction (if any) allowable to the tranferor in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the equipment was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 187(a) with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable with respect to such equipment under section 167 for such month.

(ii) If the adjusted basis of such coal mine safety equipment as computed under section 1011 for purposes other than the amortization deduction provided by section 187(a) is in excess of the adjusted basis, as computed under paragraph (b) of § 1.187–2, then such excess shall be recovered through depreciation deductions under the rules of section 167. See section 187(e), and paragraph (b)(2) of § 1.187–2.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 for additional first-year depreciation in respect of certified coal mine safety equipment.

(4) *Special rules.* (i) If the assets of a corporation which has elected to take the amortization deduction under sesction 187(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) For the right of estates and trusts to take the amortization deduction provided by section 187 see section 642(f) and § 1.642(f)–1.

(iii) For the allowance of the amortization deduction in the case of coal mine safety equipment of partnerships see section 703 and § 1.703–1.

(i) In the case of certified coal mine safety equipment held by one person for life with the remainder to another person, the amortization deduction under section 187(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(5) *Effective date.* The provisions of this paragraph shall apply to taxable years ending after December 31, 1969.

(6) *Meaning of terms.* Except as otherwise provided in § 1.187–2, all terms used in section 187 and the regulations thereunder shall have the meaning provided by this section and § 1.187–2.

(b) *Election of amortization*—(1) *In general.* Under section 187(b), an election by the taxpayer to make amortization deductions with respect to any certified coal mine safety equipment and to begin the 60-month amortization period shall be made by a statement to that effect attached to his return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each piece of certified coal mine safety equipment for which an amortization deduction is claimed;

(ii) The date on which such equipment was "placed in service" (see paragraph (a)(2)(i) of § 1.187–2);

(iii) The date on which the amortization period began;

(iv) The total costs paid or incurred in the acquisition and installation of such equipment;

(v) A computation showing the adjusted basis (as defined in paragraph (b) of § 1.187–2) of the equipment as of the beginning of the amortization period;

(vi) In the case of electric face equipment

which is newly acquired by the taxpayer, a statement that the equipment has been certified by the Secretary of the Interior or the Director of the Bureau of Mines as being permissible within the meaning of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969; and

(vii) In the case of property placed in service in connection with used electric face equipment (within the meaning of paragraph (a)(2)(ii) of § 1.187–2, a statement that such property has resulted in the used electric face equipment becoming permissible and a copy of the notification that such property is permissible.

(2) *Late certification.* If, 90 days before the date on which the return described in this paragraph is due, a piece of coal mine safety equipment has not been certified as permissible by the Secretary of the Interior or by the Director of the Bureau of Mines, then the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. The statement and amended return in such case must be filed not later than 90 days after the date the equipment is certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines. Amended income tax returns or claims for credit or refund should also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 187(a) other than that prescribed in this section shall be permitted on or after (the date of publication in the FEDERAL REGISTER of the regulations under section 187). A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to certified coal mine safety equipment shall not be entitled to such deductions. In the case of a taxpayer who has elected prior to (such date) the statement required by subparagraph (1) of this paragraph shall be attached to his income tax return for his taxable year in which (such date) occurs.

(c) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* (i) Under section 187(c), if a taxpayer has elected to take the amortization deduction provided by section 187(a) with respect to any certified coal mine safety equipment, he may, after such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period for such equipment.

(ii) An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director or with the director of the internal revenue service center with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. In addition, a copy of such statement shall be attached to the taxpayer's income tax return filed for such taxable year. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions, and shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the certified coal mine safety equipment with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, he shall not be entitled to any further amortization deductions under section 187 with respect to such equipment.

(2) *Revocation of elections made prior to [the date of publication in the* FEDERAL REGISTER *of the regulations under section 187].* If before [such date] an election under section 187(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing a notice of revocation on or before [the 90th day after the date]. Such notice shall be in the form and shall be filed in the manner required by subparagraph (1)(ii) of this paragraph. If such revocation is for a period which falls within one or more taxable years for which an income tax return has been filed, an amended income tax return shall be filed for any taxable year in which a deduction was taken under section 187 on or before [such 90th day].

(3) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* (i) A taxpayer who elects in the manner prescribed under subparagraph (1) of this section to discontinue amortization deductions under section 187(a) or under subparagraph (2) of this paragraph to revoke an election made prior to [the date of publication in the FEDERAL REGISTER of the regulations under section 187] with respect to an item of certified coal mine safety equipment may be entitled to a deduction for depreciation with respect to such equipment. See section 167 and the regulations thereunder.

(ii) In the case of an election to discontinue an amortization deduction under section 187, the deduction for depreciation shall be computed beginning with the first month as to which such amortization deduction is not applicable, and shall be based upon the adjusted basis (see section 1011 and the regulations thereunder) of the property as of the beginning of such month. Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility, as determined as of the first day of the first month as of which the amortization deduction is not applicable.

(iii) In the case of a revocation of an election under section 187 referred to in paragraph (c)(2) of this section the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 187. See subparagraph (2) of this section for rules as to filing amended return for years for which amortization deductions have been taken.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, places in service a piece of coal mine safety equipment required as a result of the Federal Coal Mine Health and Safety Act of 1969 which is certified as indicated in paragraph (a) of § 1.187–2. The cost of the equipment is $120,000. On its income tax return filed for 1970, the corporation elects to take the amortization deductions allowed by section 187(a) with respect to the equipment and to begin the 60-month amortization period with October 1970, the month following the month in which it was placed in service. The adjusted basis at the end of October 1970 (determined without regard to the amortization deduction allowed by section 187(a) for that month) is $120,000. The allowable amortization deduction with respect to such equipment for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 ($120,000 minus $2,000) divided by 59	2,000
December: $116,000 ($118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the equipment as of June 1, 1972 (assuming no capital additions or improvements) is $80,000, computed as follows:

Yearly amortization deductions computed in accordance with example (1):	
1970	$6,000
1971	24,000
1972 (for the first 5 months)	10,000
Total amortization deductions for 20 months	40,000
Adjusted basis at beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

Example (3). Assume the same facts as is in example (1), except that on its income tax return filed in 1970, X does not elect to take amortization deductions allowed by section 187(a) but that on its income tax return filed for 1971 X elects to begin the amortization period as of January 1, 1971, the taxable year succeeding the taxable year the equipment was placed in service. Assume further that the only adjustment to basis for the period October 1, 1970, to January 1, 1971, is $3,000 for depreciation (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 3 months of 1970. The adjusted basis (for determining gain) for purposes of section 187 as of that date is $120,000 less $3,000 or $117,000.

§ 1.187–2 Definitions.

(a) *Certified coal mine safety equipment*—(1) *In general.* (i) The term "certified coal mine safety equipment" means property which—

(*a*) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act.

(*b*) The Secretary of the Interior or the Director of the Bureau of Mines certifies is permissible within the meaning of such section 305(a)(2), and

(*c*) Is placed in service (as defined in subparagraph (2)(i) of this paragraph) before January 1, 1975.

(ii) In addition, property placed in service in connection with any used electric face equipment which the Secretary of the Interior or the Director of the Bureau of Mines certifies makes such used electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment. See subparagraph (2)(ii) of this paragraph.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1)(i)(*a*) of this paragraph, the term "placed in service" shall have the meaning assigned to such term in paragraph (d) of § 1.46–3.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the term "property" includes those costs of converting existing nonpermissible electric face equipment to a permissible condition which are chargeable to capital account under the principles of § 1.1016–2. Property is considered to be placed in service in connection with used electric face equipment (which was not permissible) if its use causes such electric face equipment to be certified as permissible.

(b) *Adjusted basis*—(1) *In general.* The basis upon which the deduction with respect to amortization allowed by section 187 is to be computed with respect to any item of certified coal mine safety equipment shall be the adjusted basis provided in section 1011

for the purpose of determining gain on the sale or other disposition of such property (see part II (section 1011 and following) subchapter O, chapter 1 of the Code) computed as of the first day of the amortization period. For an example showing the determination of the adjusted basis referred to in the preceding sentence in the case where the amortization period begins with the taxable year succeeding the taxable year in which the property is placed in service see example (3) in paragraph (d) of § 1.187–1.

(2) *Capital additions.* The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under section 187(b), shall not be increased, for purposes of section 187, for amounts chargeable to the capital account for additions or improvements after the amortization period has begun. However, nothing contained in this section or § 1.187–1 shall be deemed to disallow a deduction for depreciation for such capital additions. Thus, for example, if a taxpayer places a piece of certified coal mine safety equipment in service in 1971 and in 1972 makes improvements to it the expenditures for which are chargeable to the capital account, such improvements shall not increase the adjusted basis of the equipment for purposes of computing the amortization deduction allowed by section 187(a). However, the depreciation deduction provided by section 167 shall be allowed with respect to such improvements in accordance with the principles of section 167.

PAR. 2. Paragraph (c)(1) of § 1.179–1 is amended by adding the following new (*c*) and (*d*) to subdivision (iii) thereof. These added provisions read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(iii) * * *

(*c*) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

(*d*) A piece of certified coal mine safety equipment which the taxpayer elects to amortize under the provisions of section 187.

* * * * *

[FR Doc. 71–7362 Filed 5–26–71; 8:53 am]

Mr. COOPER. Mr. President, because of the interest among the small coal operators in this tax provision I believe it would serve a useful purpose to have my explanation of the amendment and the supporting data as well as comments by other Senators when the amendment was considered on the floor made available again.

Mr. President, I ask unanimous consent that the discussion on this amendment appearing in the CONGRESSIONAL RECORD, volume 115, part 28, pages 37894–37897, be inserted in the RECORD.

There being no objection, the excerpt from the RECORD was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 399

Mr. COOPER. Mr. President, I call up my amendment, No. 399.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that the Senate dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER's amendment is as follows:

Page 454, after line 2, insert the following new section:

Sec. 707. Amortization of certain coal mine safety equipment.

(a) ALLOWANCE.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 186 (added by section 906 of this Act) the following new section:

"Sec. 187. Amortization of certain coal mine safety equipment.

"(a) ALLOWANCE OF DEDUCTION.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

"(b) ELECTION OF AMORTIZATION.—The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) TERMINATION OF AMORTIZATION DEDUCTION.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

"(4) CERTIFIED COAL MINE SAFETY EQUIPMENT.—For purposes of this section, the term 'certified coal mine safety equipment' means property which—

"(1) is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

"(2) the Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

"(3) is placed in service before the expiration of six years after the operative date of title III of the Federal Coal Mine Health and Safety Act of 1969.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

"(e) SPECIAL RULES.—

"(1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

"(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section."

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 187. Amortization of certain coal mine safety equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. COOPER. Mr. President, I offer this amendment for myself, the Senator from Tennessee (Mr. BAKER), my colleague from Kentucky (Mr. COOK), the Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD), and the Senator from Virginia (Mr. BYRD).

Mr. President, I hope very much that the manager of the bill will be willing to accept the amendment.

Mr. TALMADGE. Will the Senator explain it, so that Senators can ascertain what it does?

Mr. COOPER. Yes. The purpose of the amendment is to permit the amortization of the cost of certain "permissible" coal mine equipment over a 5-year period. The usual period of depreciation, I am informed, is a period of 10 years. I shall explain the reason for offering the amendment.

Mr. JAVITS. Mr. President, will the Senator yield momentarily?

Mr. COOPER. I yield.

Mr. JAVITS. Before leaving the Chamber, I should like to inform my colleagues, if I could have their attention, that I am the ranking member of the Committee on Labor and Public Welfare which just handled the coal mine safety bill. That bill was drafted by the Senator from New Jersey (Mr. WILLIAMS) and myself.

One of the big problems that we had was to reconcile safety with economics. The Senator from Kentucky (Mr. COOPER) is laying before us a very grave problem affecting small miners, where we are trying to impose heavy safety precautions, and its costs money to provide them.

I should like to say to my colleagues who are interested in safety that what the Senator from Kentucky is now proposing is a way in which the small mine operator can be helped. We knew he had to be helped. We tried to get him small business loans and other things, which is a kind of long way around, but I think the Senator, with his tax amendment, has something which can directly help him, and I hope my fellow Senators will give the greatest sympathy to the Senator's proposition. I testify to my colleagues that one of the bases of the coal mine safety bill was an attempt to reconcile economics with human life. We did the best we could, but what Senator COOPER is now proposing would help us immeasurably to do justice on the economic scale.

Mr. COOPER. I thank the Senator from New York for his excellent statement. I have also been informed that the Senator from New Jersey (Mr. WILLIAMS), who was chairman of the subcommittee that had charge of the coal

mine health and safety bill, also supports the amendment.

I ask unanimous consent also to add the names of the Senator from Virginia (Mr. SPONG), and the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, on October 2 of this year the Senate passed S. 2917, the Coal Mine Health and Safety Act of 1969. On October 29, 1969, the House passed its bill. The conferees have met and it is expected that the conferees will file a conference report very soon.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TALMADGE. Mr. President, do I understand correctly that this is the result of the action of Congress in requiring these coal mine safety devices in coal mines?

Mr. COOPER. The Senator is correct.

Mr. TALMADGE. And that the equipment must necessarily be bought, because an act of Congress has required it?

Mr. COOPER. That is right.

Mr. TALMADGE. And that the purpose of the equipment is to save human life?

Mr. COOPER. The Senator is correct. Both Houses of Congress have passed bills which include a provision requiring that "permissible" machinery be used in all coal mines by a specified date.

The provision included in both the Senate and House bills would abolish the present distinction between "gassy" and "nongassy" mines, a classification that up to this time had been preserved in the Federal Coal Mine Safety Act since its adoption. The chief purpose of proposing the merging of all mines in one classification as "gassy" mines, is to require operators of mines now classified as "nongassy" mines to purchase and install new equipment which is designated as "permissible" equipment under the Federal Coal Mine Safety Act. This equipment is designed to prevent "sparking" of the machinery which could, of course, cause the danger of ignitions and explosions in mines where a sufficient concentration of methane occurs.

Bureau of Mines statistics show that for the year 1967 there were a total of 3,191 nongassy mines employing 45,472 workers and producing 143 million tons of coal a year.

I ask unanimous consent that a compilation prepared by the Bureau of Mines be printed in the RECORD at this point.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

NUMBER OF BITUMINOUS UNDERGROUND COAL MINES, EMPLOYMENT AND PRODUCTION BY STATES AND BY GASSY AND NONGASSY MINES—1967

	Gassy			Nongassy		
	Number of Mines	Employees	Production	Number of Mines	Employees	Production
Alabama	17	3,222	8,443,850	85	1,633	739,350
Arizona				1	3	969
Arkansas	5	61	93,690			
Colorado	23	1,026	3,008,995	36	239	569,915
Illinois	26	5,271	27,797,978	9	111	525,834
Indiana	7	421	1,564,831	4	285	142,483
Iowa				5	51	244,917
Kentucky	32	3,851	18,996,388	913	10,687	42,000,000
					580	2,287,406
Maryland				33	236	409,550
Missouri				2	14	3,000
Montana	16		6,200	12	41	22,650
New Mexico	1	98	625,000	7	22	4,375
North Dakota				1	5	996
Ohio	18	2,115	8,922,588	55	1,244	4,496,000
Oklahoma	1	4	2,400			
Oregon				1	5	1,000
Pennsylvania	68	13,973	46,110,933	279	3,007	8,302,238
Tennessee	7	57	135,250	142	1,924	4,364,750
Utah	10	799	2,785,122	17	359	1,478,102
Virginia	44	3,347	14,265,000	673	4,722	16,625,000
Washington	1	7	8,599	3	31	48,017
West Virginia	132	20,848	80,348,324	908	20,181	61,037,451
					32	30,812
Wyoming				5	60	118,942
Total	382	55,116	213,115,058	3,191	45,472	143,453,737

Mr. COOPER. Since all mines are designated as "gassy" under the pending legislation, the operators of these 3,191 "nongassy" mines will be required to junk the nonpermissible machinery now used which has been installed at great cost and replace it with "permissible" equipment of greater cost. This will impose a burden which many operators cannot sustain, result in the closing of hundreds of mines, and will drive out of employment hundreds, if not thousands of miners. This drastic legislation will not only affect the mines and miners, but will result in severe economic hardship upon the communities and States in which the "nongassy" mines are located. The Bureau of Mines compilation for 1967 indicates that there were 913 "nongassy" mines in Kentucky, 908 in West Virginia, 279 in Pennsylvania, 142 in Tennessee, 55 in Ohio, 85 in Alabama, 36 in Colorado and smaller numbers in 10 other States.

Both in the Senate Labor and Public Welfare Committee and on the floor when the Senate considered S. 2917, I offered amendments to preserve the distinction between gassy and nongassy mines. I introduced statistics and geological data showing that nongassy mines are the safest mines and that there is no demonstrated need for abolishing the present distinction between "gassy" and "nongassy." However, my amendments were not agreed to.

The House and Senate conferees have agreed, first, that for all mines certain specified small electrical equipment must be made permissible within 1 year after the operative date of the act—which is 90 days after enactment; second, that heavy electrical face equipment employed in coal mines not classified as "gassy" prior to enactment of the act and which are located above the water table—which definition would include a great majority of mines now classified "nongassy"—must be made permissible within 4 years of its operative date of the act with the right to obtain extensions up to a maximum of 2 years. Thus, under this provision, all operators of the above described nongassy mines would be required at the conclusion of 6 years after the operative date to have replaced all existing nonpermissible equipment by permissible equipment.

In addition, nonpermissible equipment that has worn out is to be replaced 1 year after the operative date by equipment that is permissible.

The amendment I introduce today would permit the operators of nongassy mines located above the water table to amortize over a 5-year period the cost of heavy electrical permissible equipment that they are required to purchase and install, or the cost of converting existing equipment to a permissible condition within the 6-year period after the effective date of the act.

My amendment is limited to equipment required to be installed in this 6-year period and the 5-year amortization would not be available for equipment installed after the 6-year period has expired. In addition, the 5-year amortization provided by my amendment would not be available to write off the small horsepower equipment required to be permissible within a year after the effective date of the act. It is limited to heavy electrical face equipment and is extended only to operators of nongassy mines located above the water table. My amendment, therefore, is of limited scope and of limited duration.

I am informed by the Bureau of Mines that the useful life of coal mining equipment as determined by the Internal Revenue Service for accounting purposes is 10 years. I am informed that most operators employ straight line depreciation schedules in depreciating this equipment. During the debate on the Federal Coal Mine Health and Safety Act, statements were provided by the Senator from New Jersey (Mr. WILLIAMS), manager of the bill, concerning estimates of the cost of new equipment and of the conversion of old equipment. A letter from the Honorable Hollis M. Dole, Assistant Secretary of the Interior, addressed to Senator WILLIAMS, dated August 2, 1969, was included in the CONGRESSIONAL RECORD, volume 115, part 20, page 27143. In his letter, Assistant Secretary Dole stated that the Bureau of Mines has estimated the cost to be approximately $50 to $60 million. I would point out that these cost figures included the cost of converting or replacing small electrical equipment in both gassy and nongassy mines, which equipment would not be given the 5-year writeoff as proposed by my amendment. Therefore, I am informed by the Bureau of Mines that this $50- or $60-million total cost figure would be less when limited to the cost of heavy electrical equipment as provided for by my amendment.

Taking the cost estimates submitted by the Bureau of Mines, I requested the Treasury Department to give me an estimate of the revenue loss should my amendment be adopted.

In a letter dated December 8, 1969, I am informed by Mr. John S. Nolan, Deputy Assistant Secretary, that my amendment—and I read from his letter—"will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero."

The new Federal Coal Mine Health and Safety Act will require many small operators in nongassy mines to junk their existing equipment and purchase permissible equipment as required by this legislation at great expense for reasons of safety. It seems to me, Mr. President, that the least that the Congress can do is to provide, to this limited extent, financial assistance in meeting these costs. The tax reform bill provides a 5-year amortization to the railroad industry and to industries purchasing air and water pollution equipment. Certainly, the equities of the small coal operator are equal, if not greater, than the industries helped by the 5-year amortization provided in this bill.

Mr. President, reconversion must take place under S. 2917 which is now in conference, within a minimum of 6 years. In my

judgment, based upon the letter from the Treasury Department, the overall cost of the amendment would probably be $5 million or less.

It affects approximately 45,000 miners who are working in these mines which produce about 40 percent of our bituminous coal.

It is a just amendment. Congress will enact the measure which is now in conference. Help should be given not only to the operators of the mines, but to the men employed in the mines. Keeping the mine open will continue their employment.

Mr. President, that is the basis of my argument for the measure.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky for yielding and my chairman, the distinguished Senator from West Virginia, for permitting me to speak at this time for the purpose of observing that I believe the Senator from Kentucky has done a great service to a great industry by offering the amendment.

I very much hope that it will be agreed to by the Senate as part of the bill.

It is a difficult task, that of providing for mine safety and coming to grips with the issue of whether gassy and nongassy mines should be preserved.

The Senate has worked its will in that respect. For my part, and I know, from the standpoint of the senior Senator from Kentucky, we had hoped that there would be a continuing distinction between gassy and nongassy mines. However, there is not under the present state of affairs. Therefore, it becomes essential and urgent that something be done to encourage those who operate in nongassy mines, and obviously designated so, to devote permissible equipment to the preservation of those jobs which are by and large in an area of the country that has chronic unemployment and thus promote employment of men who are, by and large, uniquely suited to only one occupation, that of mining coal.

I think the Senator from Kentucky would move a great distance in this direction and the amendment would encourage many operators of nongassy mines to devote permissible equipment to conserving those jobs, thus contributing to our area of Tennessee, Kentucky, Virginia, and West Virginia.

Mr. President, it is with great pride that I join with the Senator from Kentucky in sponsoring the amendment. I hope that the Senator promptly agrees to it.

Mr. COOPER. Mr. President, I thank the Senator from Tennessee.

Mr. President, I yield now to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the amendment offered by the knowledgeable Senator from Kentucky (Mr. COOPER) indicates once again his very real concern for the problems of coal mining and the safety of the miners. These mining problems, particularly as relate to the smaller mines now classed as nongassy, are soon to become acute and expensive. With the Coal Mine Health and Safety Act nearing finalization in this Congress, most of these mines necessarily must install much new equipment at substantial cost to meet the strict new safety requirements. The amendment which I am privileged to cosponsor will help the smaller mining companies provide the equipment requisite to the safety of their miners. The amortization provided can be very important in the financing of the equipment changeover to satisfy provisions of the new safety measure.

Mr. President, I am very grateful that over a period of time the Senator from Kentucky has demonstrated detailed knowledge and has been realistic in evaluating legislation as it affected the mines of his own State and neighboring ones. The mines concerned in the amendment, frankly, are mostly in Kentucky.

But numerous others in Tennessee, Virginia, and southern West Virginia will have some measure of tax relief available to them under Senator COOPER'S amendment, and we are grateful to him for his alertness and his diligent attention to these matters.

Would amortization provisions, I ask the Senator from Kentucky, usually apply over a period of 10 years?

Mr. COOPER. That is the information we receive from the Department of the Interior and the Department of the Treasury. The usual depreciation is over a period of 10 years.

Mr. RANDOLPH. Mr. President, the Senator's amendment would reduce that to a period of 5 years.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And the letter the sponsor has referred to indicates that the cost to the Federal Government would not be a substantial sum.

Mr. COOPER. It would be $1 million a year for several years. It would then decrease to zero. The reason it would decrease to zero is that it ends as soon as the mines are reequipped in the 6-year transition period.

Mr. RANDOLPH. Mr. President, I am sure the estimate is correct. The estimate is that it would cost the eligible mining companies from $50 million to $60 million for this equipment.

Mr. COOPER. The letter is addressed to the committee of the Senator from West Virginia. The Committee on Labor and Public Welfare had charge of the bill. The letter was addressed to the Chairman of the Labor Subcommittee Senator WILLIAMS by Hollis M. Dole, Assistant Secretary of the Interior.

He states:

"Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment, a more realistic cost estimate would be between $50 and $60 million."

Mr. President, I ask unanimous consent that the letter of Assistant Secretary Dole of the Interior Department and the letter of Deputy Assistant of the Treasury Nolan and a summary I have prepared explaining the amendment be printed at this point in the RECORD.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

ESTIMATES OF THE COST OF CHANGING NON-PERMISSIBLE ELECTRIC FACE EQUIPMENT TO PERMISSIBLE CONDITION, BY THE DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 2, 1969.

Hon. HARRISON A. WILLIAMS, Jr.
Chairman, Senate Labor Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Enclosed are two attachments (A & B) in response to your letter of July 5, 1969, requesting further information on the cost of changing non-permissible electric face equipment in underground coal mines to permissible condition under the procedures (Schedule 2–G) of the Bureau of Mines. These procedures are primarily designed to assure that such equipment, if maintained in permissible condition, will not emit a spark or arc and cause a mine fire or explosion.

The first of these attachments is an updating and correction of estimates previously prepared and supplied to your subcommittee in relation to the cost of changing non-permissible equipment to permissible and the time needed to accomplish it.

The other attachment is the results of a survey or undeground coal mines conducted, at your request, by the Bureau of Mines in each of the 9 major coal producing States. The survey was undertaken through the Bureau's district offices and complied here. While it included some contact with the industry, repair shops, and equipment manufacturers, it is largely a paper survey based on records and data of the Bureau, including inspection reports, etc. We have discussed informally the results of the survey with your staff.

At the request of your staff, we checked, after completing the survey, on whether a bias had been introduced inadvertently due to the small number of mines sampled in the 9 States. Time did not permit a greater sampling. We have concluded that the samples for at least 3 of the States, Virginia, Kentucky, and West Virginia, are not truly typical of the small mines in those States. Thus, a bias was, in fact, inadvertently introduced.

From the survey we have, at your request, estimated the cost of making this equipment permissible either by conversion or rebuilding. The estimates are as follows:

SMALL NON-GASSY MINES

Estimated costs

Cost of "conversion"[1] of all equipment:	
Nine States only	$37,000,000
County-wide basis (by extrapolation from data)	42,500,000
Cost of upgrading or using rebuilt equipment:	
Nine States only	54,882,580
County-wide basis (by extrapolation from data)	63,000,000

LARGE NON-GASSY MINES

Estimated cost

Cost of upgrading or using rebuilt equipment:[2]	
Seven States only	$13,475,650
County-wide basis	18,100,000

[1] Assumes field permissibility approval will be feasible even for equipment that had never had permissible approval.

[2] Assumes that all equipment could be upgraded and none would be converted.

You also requested that we provide an estimate, based on the survey, of the costs of making this equipment permissible, through conversion, upgrading, purchasing rebuilt or purchasing new, in the case of those gassy mines with "grandfathered" equipment is still permitted under the 1952 Act. The estimates are as follows:

Grandfathered equipment, all Gassy Mines:

Cost to upgrade, $3,591,350.

Cost to rebuild, $14,158,060.

Cost new, $36,951,170.

Because of the bias mentioned above, you also asked if we could use the survey and make some estimates taking the bias into account. Probably the most appropriate way to make such an estimate is to use an average of the capital cost per yearly ton of coal produced. For these larger and more efficient mines covered by the survey a mine producing 20,000 tons per year would require an investment of about $16,000. If the equipment were used for 20 years this would represent a cost of 4 cents per ton of coal mined. There is, however, some tonnage produced in hand loaded mines where permissible equipment would not be required. On the other hand, smaller mechanized mines, also not included in the survey, would be expected to have a higher investment per daily ton than those included in the survey. In our estimate, we have assumed that these two factors are to be in balance.

Using this method then, the cost for the small non-gassy mines for the country as a whole to convert or rebuild the equipment would be $30 million.

If all the equipment could be converted

rather than using a combination of conversion and rebuilt equipment, the cost would be about $21 million.

The total cost can thus be estimated at $51.7 million, broken down as follows:

Grandfathered equipment (all upgraded), $3.6 million.

Cost of upgrading or using rebuilt equipment in large non-gassy mines, $18.1 million.

Cost for converting or using rebuilt equipment in small non-gassy mines, $30 million.

These figures are lower than those in Attachment A because we have assumed that the new concept of conversion which we have discussed with your staff using field approval for permissibility will be possible and because the size of the sample in the latest survey introduced a bias. Since, in fact, the upgrading of non-permissible equipment would be expected to be a mixture of field conversion and purchase of rebuilt or new equipment a more realistic cost estimate would be between $50 and $60 million. It is probable, however, that some portion of this sum would be expended anyway due to normal replacement needs.

Another cost is that of the Government which would be appreciably higher if all the equipment were converted, since it would involve a large increase in the man-hours required for field inspection of field converted and approved equipment.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 8, 1969.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: You have requested an estimate of the revenue cost of Amendment No. 399 to H.R. 13270, the Tax Reform Act of 1969, which you have introduced. The amendment would allow five-year amortization for certain equipment installed to comply with the Federal Coal Mine Health and Safety Act of 1969.

Treasury estimates that this amendment will result in a revenue loss of approximately $1 million per year for the next several years, reducing gradually to zero.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

EXPLANATION OF COOPER, RANDOLPH, BYRD (W. VA.), COOK, BAKER AMENDMENT

Purpose is to permit amortization of the cost of certain "permissible" coal mine equipment over a five-year period. The usual period recognized by the Internal Revenue Service is ten years.

Cost of reequipping mines with "permissible" equipment, estimated by the Department of Interior, is $50 to $60 million. Cost, in loss of revenue, estimated by the Department of Treasury, is $1 million annually for the first several years, then reduced to no cost.

Reason: House and Senate conferees have agreed on a provision to be a part of the Federal Coal Mine Health and Safety Act of 1969 (S. 2917), which requires for the safety of miners that "permissible" equipment—that is, non-sparking equipment—be installed in "non-gassy" mines over a six-year period. "Non-gassy" mines number about 3,000 and employ about 45,000 men and produce about 40% of the nation's bituminous coal. These are chiefly small mines and the cost of reequipping will put many out of business and increase unemployment, unless some aid is provided.

The five-year amortization provided by the amendment is limited strictly to "non-gassy" mines located above the water table, and only to the cost of installation of heavy electrical face equipment of a permissible type or the cost of converting existing equipment to a permissible standard during the six-year transition period.

Mr. RANDOLPH. Mr. President, I do not wish to take more time except to say that this is desirable and necessary legislation. In the Coal Mine Health and Safety Act, we sought to be prudent without compromising the safety of miners. However, approval of this amendment would mean that we can be more careful in insisting that the smaller units in the industry are not put out of business with the resultant increase in unemployment.

Mr. COOPER. The Senator is correct.

Mr. RANDOLPH. And I have talked with the chairman of the Subcommittee on Labor. He is interested in the amendment and desires to support it.

I have listened to the acting chairman of the Finance Committee as he has questioned the principal author of the amendment. He indicates that he understands the problem we face in this matter.

It has been my privilege to join in cosponsoring the amendment. I do feel it is equitable. And I hope it will receive the unanimous approval of the Senate.

Mr. COOPER. Mr. President, I thank the Senator. We have conferred on the amendment and have worked out the amendment before us.

I yield now to my colleague from Kentucky.

Mr. COOK. Mr. President, although my distinguished colleague from Kentucky has said this would cost the Government $1 million a year for approximately 6 years, I think the weight of the argument is that it will cost the industry between $50 and $60 million during that same period of time.

This cost of $50 to $60 million is the direct action of Congress itself. Contrary to the Williams amendment of just a moment ago which, as the distinguished Senator from Delaware said slowly but surely pulls away this $1 million a year for approximately 5 or 6 years, the cost to the Federal Government is necessitated by the fact that the industry, by action of Congress, must expend between $50 and $60 million during that same period of time.

I say to the distinguished Senator from Georgia that the real argument is that, for the safety and protection of human life, the industry is required to pay some $60 million and Congress is asked for this opportunity to extend to the industry a rapid writeoff from 10 to 5 years at a cost to the Federal Government, for the safety of human lives, the sum of $1 million a year. I think this is the real argument, and this is the point that the distinguished Senator from Kentucky (Mr. COOPER) has so eloquently made. I hope that the committee will accept the amendment.

Mr. COOPER. I thank the Senator.

I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I commend the Senator from Kentucky for bringing this amendment to the floor. In my judgment, it is a necessary adjunct to the very fine mine safety legislation enacted earlier in this session.

I should like to associate myself with the remarks of the Senator from Kentucky and say that I am very pleased to be a cosponsor of the amendment, and I hope the committee will see fit to accept it.

Mr. TALMADGE. Mr. President, the distinguished Senator from Kentucky and the cosponsors of the amendment have made an impressive case for the amendment. It would authorize the same amortization that is already included in the bill for pollution control devices. Since this is a safety control device affecting human life, I have discussed it with the ranking minority member of the committee, and he and I are in accord that the Senate should adopt it and let us take it to conference.

Mr. COOPER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

THE PROPOSED ECONOMY RECOVERY ACT OF 1971

Mr. MONDALE. Mr. President, the numbers games continue. Every few days, the administration releases some new statistics which supposedly demonstrate that the economy is in a vigorous comeback—a "good solid expansion" according to Secretary Shultz.

Several Mondays ago, we learned that consumer prices had risen 0.3 percent in April, while durable goods orders had dropped by 2 percent. Administration spokesmen waxed euphoric on describing the small price rise while studiously ignoring the implications of the drop in durable goods orders.

But these are not the statistics that matter. What matters is the 5 million unemployed; the 17 percent of our teenagers who are without jobs; and the quarter of a million—15 percent of veterans 20 to 24—who are looking for work. For Negro veterans 20 to 24, unemployment is an appalling 21 percent.

People may disagree about the expansion, but there is one point which is widely accepted: There is no prospect for a substantial drop in unemployment in the near future.

Is not this what really matters?

To meet this problem, I recently introduced S. 1725, the Economy Recovery Act of 1971. This bill would:

First, move forward to this year personal tax cuts presently scheduled for 1972 and 1973;

Second, provide a program of extended unemployment compensation benefits; and

Third, reestablish a 7-percent tax credit for the first $25,000 of investment in plant and equipment.

My bill would have a vigorous expansionary effect now—when it is needed. Its impact would all but vanish at the end of 1972—when we should be approaching full employment. This is in contrast to the administration's new depreciation rules whose maximum impact will occur in the years after 1972—when inflationary pressures may well be threatening again.

I might add that the revenue loss resulting from my bill would be about one half that associated with the new depreciation rules over the next 10 years.

Recently, Prof. Walter Heller, Chief Economic Adviser to President Kennedy, gave me his views on S. 1725.

I ask unanimous consent that Dr. Heller's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 17, 1971.

Hon. WALTER F. MONDALE,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: Your bill, S-1725, the "Economic Recovery Act of 1971," is exactly what the doctor ordered for the U.S. economy under present circumstances.

At a time when we have over 6% unemployment, when $60 billion of our productive

capacity is running to waste, and when 25% of our manufacturing capacity lies idle, it's clear that the U.S. economy urgently requires added fiscal stimulus.

Your bill would accomplish this in a responsible manner since it follows the principle of prompt stimulus today without undercutting the long-run revenues and anti-inflationary impact of our federal budget:

Your proposed income tax reduction is simply a speed-up of already legislated tax cuts.

The federal funding of extended unemployment compensation makes funds available today when unemployment is unconscionably high, but will fade out as the economy returns to full employment conditions and inflationary dangers.

The special investment credit for small business will not have a significant revenue effect, yet will help to balance the business structure of the country.

Your program, together with a system of temporary public service jobs, will speed up economic recovery without touching off a new surge of inflation. At a time when $60 billion of our country's productive resources are unemployed, the added stimulus will translate into more jobs, more production, higher profits, but not higher prices. Our inflation today is entirely of the cost-push variety, not demand-pull, and your program will exceed neither the speed limits nor the capacity of the economy to absorb additional demand.

As you know, we economists constantly think in terms of the balance of cost and benefit. Here's a program will obvious and immediate benefits in both human and material terms, and virtuously no costs in either the short run or long run.

I hope the Congress will speedily enact the "Economic Recovery Act of 1971."

Sincerely,

WALTER W. HELLER,
Regents' Professor of Economics.

THE IMPENDING SALT AGREEMENT

Mr. SAXBE. Mr. President, in today's Wall Street Journal there is an article entitled, "SALT Agreement: Genocide Pact?" Robert L. Bartley espouses the thesis not ordinarily heard in our deliberations on arms control. He believes that the doctrines of "mutual deterrence" and "assured destruction" embody a concept of nuclear deterrence that is constructed on an assumption of "reciprocal rationality" which can never be completely guaranteed. He proposes an alternative to assured destruction which would limit offense and encourage defense. This theory depends on the technical feasibility of missile defense.

As you know, I have opposed the Safeguard system of an anti-ballistic-missile defense precisely because I believe it is not technically feasible. However, I firmly believe that research and development should be continued in an effort to seek technical feasibility.

Many will argue that an adequate defense may encourage a first strike if the aggressor believes that his first strike would reduce the other side's second strike capacity to a level which could be effectively nullified by a missile defense system. This argument is the primary one against Mr. Bartley's thesis, however, in the interest of a more intelligent discussion of these issues, I commend it to the attention to my colleagues.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 17, 1971]

SALT AGREEMENTS GENOCIDE PACT?

(By Robert L. Bartley)

WASHINGTON.—With good luck American and Soviet negotiators will agree on strategic arms limitation sometimes this year, writing the doctrine of "mutual deterrence" and "assured destruction" into a formal agreement. Despite the general jubilation that will result, some experts will be deeply worried. For a dissenting school of strategic thinkers believes those doctrines add up to a "genocide pact."

The phrase comes from Fred Charles Ikle of Rand Corp. He and a few other analysts, notably Donald G. Brennan of the Hudson Institute, are deeply suspicious of the prevailing notion of deterring war by insuring that each of two competing nations can utterly destroy the other. Above all, they are appalled at the millions and millions of innocent civilians who would be killed if deterrence somehow broke down and war did start.

The doctrine of "assured destruction" became the bedrock of U.S. strategic posture during Robert McNamara's tenure as Secretary of Defense. The thinking is that if the U.S. can absorb a Russian nuclear strike and still retaliate with enough power to destroy the Soviet Union as a society, the first strike will never take place. When each power can retaliate to obliterate the other, the theory continues, the result is a "mutual deterrence" that makes nuclear war unthinkable.

Mutual deterrence and assured destruction will almost certainly provide the intellectual foundation for any arms pact that may emerge from the forthcoming round of SALT at Helsinki. The recent joint U.S.-Soviet announcement said that negotiators would "concentrate" on limiting anti-ballistic missiles, but would also agree on "certain measures" to restrict offensive missiles. The clear implication is that any agreement will follow the assured destruction doctrine in limiting the defense more sharply than the offense.

This order of priorities conforms to the assured-destruction logic because it would insure that neither side could escape destruction if a nuclear exchange took place, thus building the maximum "unthinkability" into the use of nuclear weapons. Opponents of the doctrine would reverse the priorities, limiting the offense more sharply than the defense to insure that any exchange would produce fewer deaths. This difference, in fact, has been at the root of much of the domestic debate over ABM proposals.

Ironically, assured-destruction-type deterrence seems likely to be formalized internationally just when it's losing its hallowed status among Western strategic thinkers. Those openly attacking it are few; most analysts continue to accept it for want of a persuasive alternative. But among its defenders, the self-satisfaction of the McNamara era has given way to a new uneasiness.

This shows in President Nixon's 1971 foreign policy message which contains a line saying the President should not be "limited to the indiscriminate destruction of enemy civilians as the sole possible response to challenges." The administration has found immense difficulties in translating this desire for flexibility into specific weapons and tactics.

A SMALL STEP

The Nixon administration concept of "sufficiency," however, is at least a small step away from assured destruction. In the heyday of the latter nuclear-force levels were decided by a computer programmed to calculate the number of warheads necessary to destroy given percentages of the Soviet population and production capacity. While "sufficiency" is a less clear-cut concept, it seems to mean that force levels and similar decisions are ultimately matters for political judgment.

The new uneasiness about current deterrent postures is cropping up not only in political quarters but in intellectual ones. The latest annual survey by the Institute for Strategic Studies in London found, for example, that "deterrence still seemed to be an overwhelmingly powerful force at the end of 1970." But it also noted, "some fear was an inevitable element in the strategic balance, if only because the concept of nuclear deterrence had been constructed on an assumption of reciprocal rationality which could never be completely guaranteed."

This is precisely the point at which critics of assured-destruction deterrence concentrate their attack. Obviously mutual deterrence means no rational man would deliberately start a war, but who ever said war is likely to be started by the deliberate plan of rational men? Yet for the purpose of deterring rationally planned war, the current nuclear posture insures that war starting from any cause will automatically result in the slaughter of the majority of the population in both the U.S. and the Soviet Union.

Rationality has in fact played scant part in most past wars, to judge by the evidence assembled by Rand's Dr. Ikle (pronounced E-Clay) in his new book, "Every War Must End" (Columbia University Press). In tracing how wars in this century have been brought to a close, he finds that those who started them have not even thought about the problems of ending them.

When the Japanese attacked Pearl Harbor, for example, their government had made no effort to think through how such a war would ultimately end. World War I started though no one wanted it. Once wars are actually underway, he finds, they grow ever more resistant to rationality, tending to continue beyond any logical purpose because of internal political developments in the warring nations.

If history is a guide, nuclear war, too, would be most likely to start in some less-than-rational fashion. Dr. Ikle conceives of a number of circumstances in which deterrence might be of little help; and accidental missile launch a non-nuclear war that escalates because of the powerful political forces war engenders, the advent of national leaders whose philosophy includes, as Mussolini's did, living dangerously.

There is even a possibility that leaders on one side might come to believe that the other would not in fact launch a retaliatory strike. However rational the threat of retaliation is, actually carrying it out when the threat has failed is a separate question. What if an enemy's first strike has hit your military installations, and the enemy retained further missiles that could strike your cities? Would you then kill his civilians?

ELEGANT BUT FRAGILE LOGIC

The point is not that nuclear war will come this way or that way, but that the logic of mutual deterrence is elegant but fragile. To work it must persist forever, but it is too clean, too logical, too pristine, Dr. Ikle says. "We have this rational structure that must survive decade after decade if we are to survive decade after decade, that's my main theme."

The alternative to assured-destruction deterrence would be negotiating armaments postures that limit offense and encourage defense. Dr. Brennan says, "The SALT context is a ready-made opportunity to make a dramatic difference," providing the talks are aimed at an agreement reducing offensive forces and allowing defensive build-ups on both sides. In the absence of an arms agreement, he has elaborated a unilateral posture of maintaining general parity while spending a greater proportion of money on defense.

Whether an alternative can work in practice as well as theory depends, however, on the technical feasibility of missile defense. Most experts agree that a well-designed system could be useful in defending hard targets like missile silos, but defense of the civilian population is quite another matter.

Dr. Brennan believes that if offensive forces were reduced to the equivalent of 500 Minutemen, a $20 billion missile defense around the top 50 cities could save perhaps 45 of them. The prospect of losing five cities, he adds, would still deter any rational leader. Over time he has been considerably more optimistic about defense than other planners, however, and in any event negotiating a 500-missile offensive limit would require astounding political feats.

Still, there is always the chance that a highly effective defense can be developed eventually; even a less effective one would still save some lives, and you have to start somewhere. The present technical problems are little reason, Dr. Ikle notes, to negotiate a treaty "closing" the door on defense. That may be a door we want to go through." Yet the thrust of arms talks so far seems to be sharp limits on defense in the pursuit of assured destruction. Dr. Brennan remarks, "People are not basically interested in getting out from under this."

Proponents of assured destruction, indeed, argue that missile defense starts to make nuclear war once again thinkable. A power knowing it had some protection against retaliation might consider launching a surprise first strike, says Herbert Scoville Jr., former deputy director of the CIA and now a spokesman for the Federation of American Scientists. "Without an ABM it's crystal clear, you've got to be bloody irrational to start anything."

HOW IRRATIONAL?

If any leader is completely irrational, Dr. Scoville continues, the whole situation is hopeless anyway. He agrees that assured-destruction deterrence is "psychologically not the most satisfying kind of situation." But he thinks the cataclysmic effects of nuclear war will make a sharp difference in the minds of national leaders, "even if they're not rational they're not that irrational."

This is a plausible line of argument, and its impact on American strategic thinking has been a powerful force toward an arms agreement stressing limits on defense. Also, the Soviets currently want to limit defense, and in fact had been proposing a defensive-only pact, a curious stance in light of their traditional emphasis on defense. Many American analysts and politicians had been urging acceptance of the Soviet proposal.

Given the political practicalities, American negotiators have reason to feel they did pretty well in maintaining any offensive limits at all in the joint announcement. The administration has to consider, for example, that even a limited ABM only barely passed Congress. Given both this background and the Soviet position, it's hard to conceive how the American government could insist on limiting offense and expanding defense the way critics of assured destruction would like. One close observer remarks, "If that's the way you're going to do it you may as well forget about SALT agreement at present."

Any reasonable SALT agreement would be a hopeful political sign, in the sense of suggesting a willingness of both the U.S. and the Soviet Union to work together at least to some extent on strategic problems. For the U.S. to suddenly reverse its negotiating position after all that has already gone by could have quite disturbing implications in international politics.

Even so, the critics of assured destruction would rather have no pact than the wrong one, preferring to wait and hope that the Soviets would work their way back to their old position that limits should apply to offense but not defense. And whatever the practicalities, the critics do raise highly disturbing questions about accepting assured destruction deterrence as a permanent doctrine.

When you look at the public images the two sides of the strategic debate have acquired, in fact, the questions turn downright eerie. How is it that anyone who wants an ABM to save civilian lives is seen as something close to a warmonger? How is it that one enrolls in the legions of peace, and stands up against the Dr. Strangeloves, by backing assured destruction and its threat of genocide?

These are the political practicalities that go far to determine what kind of SALT agreement we will negotiate, given a rare chance to do so. Unless the world has in fact reached the point where the only sanity is madness, there simply must be something fundamentally wrong with our national thinking. And regardless of the outcome of SALT, the need to clarify that thinking will persist.

A good start would be to recognize that if the impending SALT agreement does come to pass, its short-run political implications may very well give reason for jubilation, but its long-term strategic implications raise a hard question. To wit, for how long do we really want to stake the destruction of the world's two greatest nations on a bet that the elegant logic of assured destruction will prove more durable than the suggestions of history?

BALTIC STATES FREEDOM DAY

Mr. WILLIAMS. Mr. President, June 14 through 17 marks the 31st anniversary of the Soviet invasion and occupation of the formerly independent Baltic nations of Lithuania, Estonia, and Latvia, and the eventual deportation of thousands of Baltic citizens to undesirable and desolate portions of the Soviet Union.

Not long after the liberation from their Soviet oppressors in 1918, each of the Lithuanian, Estonian, and Latvian nations began to enjoy the long-sought treasures of self-government and national prosperity. The ensuing 22 years of independence brought to these countries a time of great cultural advancements, characterized by numerous literary and scientific achievements.

But this period of self-determination and national independence was tragically short-lived. By 1940, the Soviet recognition of Baltic sovereignty appeared ignored as Russian military presence became increasingly obvious. On June 14, 1940, the Soviet Union accused the Baltic nations of hostility and insisted on the formation of a government more friendly toward Moscow. Within only hours, the Soviet army invaded and occupied Lithuania.

This act of aggression was only the beginning of great sorrow and hardship for the people of the Baltic nations. On June 17, Estonia and Latvia were also invaded and forced to surrender their independence to the powerful Russian Army. Within several months nearly 100,000 Baltic citizens were cruelly and unjustly deported to remote regions of Russia.

Mr. President, as we mark the anniversary of this deplorable act, let us remember the contributions of these formerly autonomous Baltic people to the democratic way of life, and pay tribute to their courageous and continuous desire to be independent once again.

THE OKINAWA TREATY WITH JAPAN

Mr. INOUYE. Mr. President, I urge ratification of the treaty being signed today between the United States and Japan for the reversion of Okinawa to Japan. After almost 26 years of U.S. rule, Okinawa and the adjoining Ryukyu Islands are to be returned in the near future to their prior status under Japanese rule. I support the return of Okinawa and the other Ryukyu Islands to their historical position as a prefecture of Japan.

In submitting the Okinawa treaty to the U.S. Senate as a treaty rather than as an executive agreement, the Nixon administration risks unduly delaying ratification of the reversion accord. The possibility thereby exists that the domestic U.S. textile lobby may well attempt to halt Okinawa's reversion in order to gain leverage on Japan to reduce textile exports to the United States. Opponents of free trade may well delay a ratification to a Japanese voluntary cutback of textile exports. Pressure could also be put on Japan to increase the value of the yen, a move that would render Japanese products somewhat less competitive in American markets. While I believe that Japanese trade liberalization is certainly long overdue, I hope that the reversion of Okinawa will not become a hostage of trade negotiations in general and textile negotiations in particular. I note the recent Japanese announcement of an eight-point program of trade liberalization and encourage the vice-ministerial committee formed to implement such liberalization to generate substantial reforms in current trade relations.

Much more important than trade arrangements is the political stability which Okinawa's reversion should foster. Okinawa must not be considered in the parochial context of Asian political stability. At stake is not only the domestic stability of both Okinawa and Japan, but also the political stability of the Pacific and the Far East, which depends in large measure upon American and Japanese cooperation. Return of Okinawa to Japanese rule is the key to continued good relations between the United States and Japan, and the Japanese alliance is the cornerstone of the U.S. political and security position in the Orient. The return of Okinawa to Japan, where it is an emotional and nationalistic issue, is crucial to those relations. In Japan, the treaty has aroused so much interest that today's ceremony is being televised throughout the nation. Eighteen months of difficult negotiations should not now be exchanged for trade benefits at the expense of political stability.

THE SITUATION IN PAKISTAN

Mr. HARRIS. Mr. President, on April 1, I expressed my fears that the world community was silently allowing a human tragedy of massive proportion to take place in East Pakistan. At that time I urged that our Government end its unconscionable silence on this matter and encourage other nations to do the

same. Today, my fears of great human suffering in East Pakistan have not been allayed significantly. To the contrary, the appalling results of the conflict in Pakistan have spread into India, where over 4 million East Pakistani refugees have fled—with reports indicating an increase in that figure of up to 100,000 per day.

I am pleased to see that the U.S. plans to assist in the aid to the refugees in India—the enormity of the crisis demands that we do no less. If, however, our efforts are to be truly meaningful, we must address ourselves to the roots of the problems in Pakistan itself. The Indian Government has indicated, and rightfully so, that it cannot provide for the Pakistani refugees forever. They must return someday to their homeland. Yet the flow of refugees from Pakistan to India continues each day, with little of any prospect of reversing the flow. When millions of people are forced to flee from their country, whether it be from starvation or terror, I find it difficult to accept the contention that the problem is a purely internal one for the Government of Pakistan to handle.

When viewed in the context of the precarious relations between India and Pakistan, the situation even more urgently demands our attention.

One of the major problems, Mr. President, in assessing the situation in Pakistan has been the difficulty in attaining hard facts. Because of the Pakistani Government's policy of excluding the press—with the exception of two sponsored tours of the country—we do not know all the facts. The unwillingness of the Pakistani authorities to allow a completely open and honest reporting of the facts, as I stated on April 1, must cause us to conclude that life in East Pakistan has not returned to "normal." What we do know is that the conflict resulted in tremendous loss of life, starvation, and destruction of property for the people of East Pakistan. Eye-witness accounts and news reports indicate that both sides in the conflict exercised brutality that must be condemned by the world community. Particularly reprehensible, though, are the actions taken by the West Pakistani military against the people of East Pakistan. It seems that this action was an attempt to suppress a duly elected majority in East Pakistan by the use of armed might. It is no surprise then that many of the people of East Pakistan have refused to accept an imposed rule by the Government of West Pakistan. Those that have stayed in East Pakistan may give the impression of normality that the Pakistani Government so strongly wants the world to accept. Recent news reports have indicated that this apparent normality is nothing more than a facade. The nonresistance and passivity of many East Pakistani citizens mask their fear rather than their loyalty, their despair rather than hope.

Under these circumstances, I strongly doubt whether any effective relief operation for the people of East Pakistan can be mounted by the central government. Control over the food, health, clothing, and shelter for a starving and destitute people can be one of the most insidious means of bringing these people under political control. This situation could only inflame the bitterness, hatred, and mistrust among the people of Pakistan, and surely would not lead to any lasting settlement of the conflict between East and West Pakistan.

What I am suggesting today is that the United States must press for an international relief operation in East Pakistan and a climate in which the parties in conflict might be able to reconcile their differences in the political arena. First, we must insist that the actual distribution of relief items, beyond their unloading and shipment to distribution centers, be supervised by a team of international observers. We must be certain that the people of East Pakistan receive assistance with no strings attached. Second, and extremely important, we must strive to create an atmosphere in which a peaceful settlement to the Pakistani conflict can be reached. As long as we maintain a military and foreign aid policy that gives an advantage to one side or the other, we will prolong the conflict between East and West Pakistan. We must remove our presence from this situation and encourage others to do the same. Only by halting all military and economic aid to either party in the conflict can we do this. The withholding of economic aid, which is of crucial importance due to the ease with which such aid allows the diversion of other resources to military purposes, will not, of course, prevent us from contributing to an international relief operation for Pakistan. Finally, it is my hope that political talks between East and West Pakistan can be initiated with a view to bring a halt to the conflict.

To the above ends, Mr. President, I intend to submit Senate Resolution 99 as an amendment to the Case-Mondale resolution, or as an amendment to other appropriate legislative matters that might come before the Senate, with the following modifications:

First, in section 1, lines 7 and 8, strike the words "until the conflict ceases," substituting in lieu thereof the words "until an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan", and

Second, in section 1, lines 10 and 11, strike the words "as soon as the conflict ends," substituting in lieu thereof the words "as soon as an internationally supervised relief effort is demonstrated to be in successful operation in East Pakistan."

THE AMERICAN BAR ASSOCIATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, much of the opposition to the International Convention on the Prevention and Punishment of the Crime of Genocide comes from the American Bar Association. The vote by the ABA's house of delegates against ratification is used time and again to support the opponents' case. They argue: if the attorneys of the Nation do not support a proposed treaty, it should not be ratified.

The field of law is varied. No one can be an expert in all phases of legal thought. Good legal opinions are a result of careful investigation into a particular matter by experienced legal minds. This was the type of thorough examination the ABA's section of individual rights and responsibilities made of the Genocide Convention.

I ask the Senate to consider the conclusions of this committee which has been most directly and intimately concerned with the convention. The distinguished men and women in the ABA who knows the most about the subject and who had the responsibility of delving into every relevant issue, rendered this evaluation. I ask unanimous consent to have an excerpt of the section's report printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1. The Convention on the Prevention and Punishment of the Crime of Genocide is an international commitment to decency and morality consistent with the American tradition. It does not, of course, stand alone. Like other efforts throughout history, from the Ten Commandments through the Magna Carta, the English Bill of Rights, the French Declaration of the Rights of Man and the Citizen, the United States Bill of Rights, the Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, and the United Nations Charter, the Convention is a statement which advances individual rights and human dignity. The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort shall not be undertaken ever again.

2. The great documents of human rights have taken various forms. From the laws of Moses to the pact between King and nobles at Runnymede, to the charters of the English, American and French Revolutions, to the constitutional amendments of nineteenth century America, the essential element was a statement of the rights of free men, coupled with punishment or threat of punishment to those who would abridge these rights. This pattern, too, was followed in the documents growing out of the rebirth after World War II, among them the Convention against Genocide.

Until 1945, the efforts to legislate internationally were very limited. The idea that the practices of states themselves could be illegal, or could be made illegal dates from the twentieth century, and with one or two exceptions, from the end of the Second World War. The Genocide Convention is designed to raise to the level of an international crime certain horrible acts, such as the effort of Nazi Germany to exterminate all the Jews within its domain, or attempts by other countries to exterminate other racial, religious, or ethnic groups within a given country or area.

The definition of genocide as of international concern reflects also the recognition that genocide is typically associated with threats or breaches of the peace. The most flagrant cases of genocide have occurred in major and "total" wars. Even lesser instances have tended to provoke retaliation, intervention by third parties, and a spread of war and devastation. Thus, steps to curb genocide are steps in the direction of preservation or restoration of peace.

3. The Genocide Convention recognizes that both states and individuals must be deterred in order to minimize the risk of geno-

cide. Accordingly, states are made to answer in international organs—for example, the United Nations Security Council or the United Nations General Assembly, for actions taken by their governments that might constitute genocide, or actions taken in their territory—even without official government sanction—such as by guerrillas, commandos, or the like. In other words, a state is given—properly—the affirmative obligation to prevent and punish genocide within the area it controls.

In addition, individuals are told directly and explicitly that they cannot hide behind actions of governments in which they participate. Whether in anticipation of a war crimes trial such as those after World War II, or in anticipation of a change in government internally, all those who support or execute a policy of genocide are warned that the world will not tolerate or excuse their behavior.

Thus, while no one can be certain of the effectiveness of any given documents, the Genocide Convention goes far to make genocide unattractive even for those who would not shrink from it on moral grounds.

4. Earlier opposition to the Genocide Convention seems to have stemmed largely from a fear of expanded use of treaties generally. That fear is no longer relevant, as treaties by the thousands have been entered into by the United States and others in the past twenty years. One particular aspect of this fear, that by the treaty process the United States government would seek to enact civil rights legislation otherwise not constitutional or not possible of passage, has also been overtaken by events, as the major federal civil rights bills and scores of judicial decisions have removed whatever doubt there might have been in 1949 about the powers of the federal government in this area. Neither the Genocide Treaty nor the treaty power generally has played any part in these developments.

In addition to the general objections to the Genocide Convention, a number of specific provisions of the text of the Convention were criticised, some as providing "loopholes", others as extending coverage of the Convention too far or raising conflicts with the United States Constitution. None of these objections stands up to careful analysis.

5. The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

MAYORS ENDORSE VIETNAM DEADLINE

Mr. McGOVERN. Mr. President, while the news reached Washington too late to have a bearing on the vote yesterday, I am sure Members of the Senate will nevertheless be interested in the resolution on the Indochina war adopted yesterday by the U.S. Conference of Mayors at their 1971 annual conference in Philadelphia.

The mayors called upon the President to do—

all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner. . . .

I ask unanimous consent that their resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 41: WITHDRAWAL FROM VIETNAM AND REORDERING OF NATIONAL PRIORITIES

Whereas, City Governments fully understand and accept the leadership of the National Government in international affairs; and

Whereas, The war in Vietnam has brought such serious division to the people of our communities that it has become a proper concern to City Governments; and

Whereas, President Nixon has taken encouraging steps to end the American involvement in the Vietnam conflict; and

Whereas, the continuation of the Vietnam conflict badly distorts national priorities and the allocation of national resources; and

Whereas, Both Congress and leading elements in the private sector have undertaken serious study of the problems involved in conversion from war expenditures to domestic expenditures; and

Whereas, City officials and civic leaders, along with governmental officials and leaders in the private sector at all levels, must have some clear guidelines if the achievement of their conversion goals and new program directions are to be realistic; and

Now therefore be it resolved, that the United States Conference of Mayors calls upon the President to do all within his power to bring about the complete withdrawal of all American forces from Vietnam by December 31, 1971, or sooner; and

Be it further resolved that the United States Conference of Mayors calls upon the Congress to work with the President in the development of a constructive program of peacetime conversion which will give national priority to the needs we face in the fields of housing, education, health, child development, law enforcement, and other pressing domestic needs.

PROGRESS IN EDUCATION FOR DISADVANTAGED RETURNING VETERANS

Mr. CRANSTON. Mr. President, Public Law 91–219, enacted March 1970, has made it possible to establish much needed new programs for the educationally disadvantaged serviceman—preveteran—and veteran.

These programs, which I am proud to have authored, include PREP, the predischarge education program, which provides special educational benefits for men still in service, but lacking a high school diploma or needing remedial, refresher, or deficiency work to continue their education.

Another new program is the special supplementary assistance or tutorial allowance to provide up to $50 a month—for up to 9 months—for individualized tutorial help for college veterans enrolled in college and in academic difficulties.

Another program in Public Law 91–219 expanded opportunities for veterans with academic deficiencies to participate in short term special remedial or refresher programs at colleges and universities in order to prepare them to begin and succeed in college-level work.

Under PREP and the college preparatory program educationally disadvantaged veterans can take high school or college remedial work without charge to regular GI bill 30-month entitlements.

Mr. President, Dr. John P. Mallan, director of programs for servicemen and veterans at the American Association of Junior Colleges, and his staff have been very effective in getting colleges to develop PREP programs for educationally disadvantaged servicemen at military installations and military hospitals. The American Association of Junior Colleges, which includes in its membership most of the Nation's 1,100 2-year colleges, has a grant of almost $300,000 from the Carnegie Foundation to encourage colleges to develop more programs for returning GI's. The association has helped to organize 37 PREP programs at military bases and hospitals in all parts of the country, programs to encourage men still in service to continue their education. It is also planning overseas educational programs in Vietnam, Europe, and the Pacific, and working with a variety of other programs intended to bring education and guidance counseling to more veterans and servicemen.

I admire their efforts—often in the context of lethargy, disinterest, and footdragging by Veterans' Administration and Defense Department officials—and I congratulate them for it.

In my floor statement of March 23, 1970, I described these new programs as they might touch the life of a Chicano veteran in East Los Angeles. Mr. President, I ask unanimous consent that an excerpt from my March 23 statement be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Let us take a Mexican American from east Los Angeles who dropped out of high school after the 10th grade and was drafted at age 19. After he completes his 6 months basic training, he is approached by a college counsellor under PREP who convinces him of the importance of continuing his schooling and he enrolls under PREP in a special accelerated program at a nearby private college to assist him in securing credits toward his high school diploma. He makes significant progress but is held back by his lack of facility in spoken and written English.

He then is sent to Vietnam; and after his tour, while awaiting discharge is again recruited into a special 4-month college preparatory PREP program run by a nearby community college on the base where he is stationed. He shows such sufficient promise that the school suggests he enter their special college preparatory program for one semester, after which, should he perform satisfactorily, he would be granted an equivalency certificate and enrolled in the regular college program. However, during the end of the PREP program he becomes disillusioned due to his English language deficiencies, and fails to follow through despite the urging of the counselor working with the program that he go on to the college preparatory program.

He is discharged, after receiving the basic Veterans' Administration packet of materials about his benefits, to which, unfortunately, he is in no frame of mind to pay attention, and he returns home to East Los Angeles to search for a job. But to no avail; his lack of a high school diploma, his language deficiency, and his overall alienation and frustration at this point make him a very unsalable commodity on a job market already oversupplied with veterans and others with his same limitations.

One day in his 20th year, 6 months after his discharge, after having just exhausted his entitlement to veterans unemployment compensation, he is visited at home by another Chicano whom he remembers from his high school class and who is now enrolled in the nearby State college, having recently re-

turned from the service. He is employed part time in the East Los Angeles Veterans Service Center, performing the outreach activities assigned to the VA in the new legislation. He empathizes with our veteran and vice versa; they share their common high school, Army, and Vietnam experiences; and before long our veteran has applied to the special veterans preparatory program at UCLA. There he takes sufficient psychology and sociology credit hour courses and enough remedial and refresher math and English courses to qualify for a full-time GI bill allowance under the new full-time definition and noncredit/credit provision. He also has some time available to work part time to help out with his family's finances.

After one semester, he is granted a G.E.D. equivalency certificate and enrolles in UCLA, where he begins to use his 36 months of regular GI bill entitlement, all prior benefits not having been charged against that entitlement. He carries the minimum number of hours to qualify for a full-time GI bill allowance, for he is uncertain of his ability to succeed. Because his English is still weak, UCLA certifies to the VA the essentiality of correcting that deficiency as prerequisite to his satisfactory performance in college undergraduate work, and secures for him an excellent tutor for 5 hours per week, whom he pays with his supplementary assistance allowance from the VA. He begins to improve markedly in the overall stimulating college environment—he has moved onto the campus—and at the end of his first semester, after 4 months of tutoring, his classwork has picked up and he has earned a "B" and three "C's" in his college course.

He then proceeds through college rather uneventually except when, during the last semester of his senior year, he falls in danger of failing a European history course required for graduation. The university again assigned him a tutor, and he receives a supplementary assistance allowance from the VA for 3 more months, enabling him to pass the course and graduate from UCLA. He is then hired by IBM in a special junior executive minority hiring program.

Now, of course, it is highly unlikely that any one veteran would require or take advantage of all these special benefits; nor is it our intention that the assistance be quite so intensive in most cases. But all of this could happen, and who will say that producing this 24-year-old young man with a college degree from UCLA with a job and a starting salary of $8,500 per year, with a fine future and with self-esteem and dignity was not well worth all the effort and the relatively small extra Federal investment in his and our future. That total VA expenditure for this achievement, spread out over 6 years, was $8,580, $6,300 of which was for the 36 months of his regular GI bill entitlement. The total cost breaks down as follows:

Program, rate, and total cost

Six months special precollege program under PREP at $100 a month	$600
Three months college preparatory PREP prior to discharge at $150 a month	450
Outreach worker efforts at $2.50 per hour for 2 hours	5
Regular GI bill under special $175 a month for college preparatory program at UCLA, 5 months	875
Regular GI bill, $175 a month for 36 months	6,300
Special supplementary assistance allowance, $50 a month for 7 months	350
Total	8,580

Mr. CRANSTON. Today, I would like to describe for my colleagues an outstanding program being administered by Dr. Alan Gross, veterans' adviser at Macomb County Community College, Warren, Mich. The program is described in a paper by Dr. Gross entitled "The Returning Veteran and the Community College" includes four key parts: First, a PREP program for servicemen at nearby Selfridge Air Force Base; second, a "section 1691" remedial-refresher college preparatory program for educationally disadvantaged veterans; third, a veterans' tutorial program, which is also a work-study program for student tutors; fourth, a veterans' outreach program, to encourage more veterans to enter college.

In regard to the student outreach program, I note that the concept embodied is identical to that included in the work-study program in S. 3657, which was passed in the Senate in the last Congress and which, unfortunately, died in the other body. I reintroduced that bill as S. 740 on February 11, 1971, and it is my hope that the Veterans' Affairs Committee will begin hearings on it shortly. To refresh the recollection of Senators, I ask unanimous consent, Mr. President, that there be printed in the RECORD at the conclusion of my remarks an appropriate excerpt from the committee report—No. 91–1231, pages 14–16—on the work-study program. See appendix 1.

This comprehensive program which Dr. Gross has established at Macomb College is tied in with the new National League of Cities Veterans' Education and Training Action Committee program, on the steering committee of which I am privileged to serve. Funded by the Office of Economic Opportunity it has selected the Detroit area for a major veterans' outreach program. Student veterans will be employed as outreach workers to persuade other veterans to return to school. Other Detroit colleges, including Wayne County Community College are also involved.

The Macomb County project is an example of the excellent work that can be done by one man with sympathetic administrative backing at a given college. Dr. Gross, who also carries a regular teaching load and did not have additional staff or planning funds, was able to establish four major new programs for servicemen and veterans during a period of a few months. These programs, once estabilshed, are self-supporting under the GI bill, and the tutorial program will also support a substantial new college work-study program for other students.

I join Dr. Mallan and Dr. Gross in encouraging other colleges to review this experience and, hopefully, be stimulated to initiate programs along similar lines. Our returning servicemen deserve no less; they are entitled to no less.

In this connection, in terms of the great need for implementation of many, many more of these programs, it is noteworthy that virtually every study and report about drug abuse among servicemen and recent veterans cites boredom as a major faction in contributing to extensive experimentation with and then habituation to narcotics in Southeast Asia, overseas and here at home. More PREP programs would provide a very badly needed alternative to the boredom which oppresses so many of our troops. Through such programs, which could very well include drug abuse education components, we might find a constructive, preventive approach to the scourge of addiction among our servicemen and veterans. Through full implementation of outreach and college preparatory programs, and enactment of S. 740, we can follow up on these PREP efforts by making sure the returned veteran is placed and succeeds in an appropriate education and training opportunity under the GI bill.

Keeping one veteran or serviceman off drugs is at least as important—and far more productive and far less expensive than trying to break a veteran addict's habit acquired during service.

I urge my colleagues to bring these so far underutilized programs to the attention of appropriate educators in their own States, as I have done in California.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point Dr. Gross' paper entitled, "The Returning Veteran and the Community College: The Macomb County Experience."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF JUNIOR COLLEGES,
Washington, D.C.

THE RETURNING VETERAN AND THE COMMUNITY COLLEGE: THE MACOMB COUNTY EXPERIENCE

(By Dr. Alan Gross)

In Michigan—a typical state—over 200,000 potential students are eligible for substantial, federally funded scholarships. Moreover, the number of these potential students increases by over 40,000 each year. But of this year's 40,000 only 8,000 will take advantage of their scholarships and there is a backlog of 160,000 who have never taken advantage of them.

What are these scholarships? Over two thousand dollars a year for college or technical training. Additionally, over two thousand a year for pre-college training. Also, free tutoring help when necessary.

Who are the people eligible for these scholarships? They are Vietnam Era veterans. They are probably not in school and their unemployment rate is between two and three times the national average: One in five Vietnam Era Veterans is unemployed.

WHO IS ELIGIBLE

Educational benefits are the legal right of every veteran (except for reservists) with 181 days consecutive service from January 31, 1955, to the present day. A veteran has eight years from date of discharge to pick his benefits up, but because of the way the law is written, any veteran—even those discharged as far back as January 31, 1955—has until May 31, 1974 to collect up to thirty-six months of benefits. In other words, even a man who was discharged sixteen years ago is still entitled to benefits.

Who else is entitled to educational benefits? War widows, war orphans, the wives and children of men on 100% disability. If a veteran dies his wife and children are entitled to veterans benefits if the death is shown to be the result of some pre-existing service-connected injury.

THE STUDENT VETERAN AS A PERSON

One day about a month ago I was sitting across the desk from a black veteran. We were talking about his educational opportunities at Macomb County Community College. I asked him how he found out about the college and he referred to an article that had been in *The Detroit News* two days before: "That article kept me up all night." he

said. "It was a second chance, a second chance to succeed in life." Speaking about the black veteran, Dr. Charles A. Stenger, head of the VA's Vietnam Era Committee says: "I am very surprised there is so little violence by blacks. They are very bitter in the sense they feel the need to strike back. Black veterans ask themselves if they really count as a person in our society." In the case of the veterans I see—black and white—the bitterness has as one of its causes the benign malignancy of the high school tracking system from which there was little hope of escape. For many of these veterans, school was a place of hostility and rejection. But their bitterness is the bitterness of young men. Once they see the school as a supporter and encourager of their self-respect, they will return to school. Once the school actually is such an encourager and supporter, these men will stay in school and become useful and fully employed citizens.

VETERANS AND THE COMMUNITY COLLEGE

The community college is an ideal place for the returning veteran to continue his schooling. Although veterans are given tuition assistance by some states, this is the exception rather then the rule. Accordingly, for most veterans the low tuition and expenses of community college attendance are a positive incentive. A single veteran living at home and holding a part time job can make it at Macomb where the tuition is only $150 for a full semester. For example, only one thousand two hundred and fifty veterans attend the University of Michigan—where the tuition is $330 per semester—while nearly four thousand attend Macomb County Community College.

Furthermore, the variety of programs at a comprehensive community college—many of which lead to jobs in a year or two—is bound to attract the returning veteran who tends to regard college as a remote ivory tower, not a student and job-oriented community service.

The community college is an ideal place for returning veterans because it is more responsive to their needs than the average four-year college or university. However, there is a great deal that the community college can do specifically to help the returning veteran.

I think it is socially wise and fiscally sound to set up a comprehensive program for returning veterans at all community colleges. I thought so when I began to set up our veterans program at Macomb. I am even more convinced of it now that the program is in operation.

ADMISSIONS AND REGISTRATION

Every community college has student veterans. Each of these is issued a Certificate of Eligibility when he applies for his educational benefits. The school must fill out this certificate, have it signed by a certifying official and send it back to the Veterans' Administration. This certificate is essentially a clerical function under the Registrar and at Macomb a clerical person does the regular certifying. Although the function is clerical, the procedure is administrative. At Macomb we worked out a satisfactory procedure with the regional office of the Veterans' Administration. Now when a payment is unduly delayed we know when we are at fault and when the Veterans' Administration is.

THE STUDENT VETERAN: ADVANCED PLACEMENT

Some veterans enter the community college with transferable college credit. These present no unusual problems for the Admissions Officer. Other veterans, however, present the community college with evidence that they have passed the regular or the college-level General Educational Development Test (GED), various College Level Examination Program tests (CLEP), or college-level correspondence courses given by the United States Air Force Institute (USAFI). The regular GED is commonly regarded as the equivalent of high school and ordinarily presents no problems. The college-level GED represents a higher level of achievement and opens the question of whether or not some college credit ought to be given for it. CLEP tests and the USAFI program are obviously legitimate and college credit ought to be awarded for them. The two questions that arise from the CLEP Tests are: what test grade should be the cut-off point for college credit, and what is the maximum amount of credit that ought to be given? At Macomb we accept both GEDs as high school equivalency, all SAFI courses and all CLEP summary scores of above 50th percentile for college credit.

Other admissions matters are worth considering. Physical Education seems like a superfluous course for veterans. They ought to be excused from it certainly and perhaps they ought to be given credit for it. At Macomb they are merely excused. Also at some schools veterans are given some college credit simply for having served in the armed forces. At Macomb we do not do this but we do try to convert training given in the armed forces to a community college credit equivalent.

VETERANS SUPPLEMENTAL EDUCATION PROGRAMS

The discussion has centered so far on ways of tailoring the functions of the Admissions Office and the Registrar to the needs of returning veterans. Now I would like to turn to the matter of setting up three specific programs for the education of veterans—PREP: the Predischarge Education Program meant to provide servicemen with pre-college training; "Section 1691": a refresher or deficiency program which serves the same purpose for veterans; Tutorial: designed for veterans who are having academic difficulties with standard college courses.

THE PREDISCHARGE EDUCATION PROGRAM (PREP)

Under Section 1696 of Public Law 91–219, every serviceman who has at least 181 days of consecutive service, and has the permission of his commanding officer, can participate in PREP, an educational program designed to prepare him for post-secondary education or training. With the permission of the commanding officer the program can be given during duty hours. Otherwise it must be given during off-duty time.

Macomb County Community College is near Selfridge Air Force Base where approximately two thousand men are stationed. At present we are running a Predischarge Education Program with about twenty men, a math teacher, a reading teacher, a writing teacher and two counselors. The program, given on base, is run four nights a week—and will continue for twenty weeks. The men are divided into two groups, the first attending class from 5:15 to 7:15, the second from 7:30 to 9:30. Monday night is devoted to writing, Tuesday to group counseling, Wednesday to reading, and Thursday to mathematics. Students can take the whole program or only part of it.

In the academic areas extensive use is made of programmed materials. These materials allow the student to start at his own level and to proceed at his own pace.

The counseling aspect of the program is as unconventional as the enrollment policy. In the group sessions counselors use human potential techniques to bring out student strengths. In the evaluations which are a recurrent aspect of the program, one student said of counseling that he liked it best of all because "I am beginning to be more aware." Another student felt that counseling "develops my mind on a 'all over' basis". In addition to the group sessions on the base, the counselors have given the men a tour of the community college and are planning to visit them on their jobs, to get to know them better.

The results of the academic side of the program will not be clear until its conclusion. However, the evidence that comes in is positive. Indeed, one of our students moved from basic arithmetrical operations through algebra in two months.

The men in the program naturally have a multiplicity of goals and this multiplicity is encouraged. Some men want high school level work; some want to improve rank or rating while in service, some want to prepare for college or advanced training. Whatever their goal, they are encouraged to reach it and apparently they respond well to such encouragement. The program has grown largely by word of mouth because, as one student puts it, PREP is a "very worthwhile program incorporating many subjects applicable to those remaining in the service or being discharged."

ESTABLISHING PREP

Before initiating a PREP program at Macomb I set down its goals, its schedule and its budget. These were approved by the college, including the Board of Trustees, and by the State Approval Agency and the Veterans Administration Regional Office. After that I went to the Education Officers of the various services stationed at Selfridge and to the various commanding officers. Everyone was uniformly cooperative and an initial roster of interested servicemen was obtained. On the basis of the roster I hired part-time faculty and counselors from the usual sources and ordered some materials. I held an initial meeting of my faculty and counselors at which I introduced them to each other and to the program. The attendance at the initial week of classes failed to live up to the enrollment roster and I cancelled classes for two weeks to allow for more recruitment time. Two weeks later we began full operations.

FINANCING PREP

PREP is fully funded by the federal government. If the program runs full time—twenty-five clock hours per week—the college can charge running expenses, including books and supplies, of up to $175 per month per serviceman. The program is a generous one and a great deal of individual attention can be given. The money for the program is paid to the students in one lump sum check which they sign over to the college.

SECTION 1691: A REFRESHER OR DEFICIENCY PROGRAM

For men no longer in the service a deficiency or refresher program, similar to PREP, is possible. The federal government provides under Section 1691 of Public Law 91–219 that all veterans who are eligible for regular educational benefits of thirty-six months are also eligible for additional months of benefits to take refresher or deficiency courses. They may take these courses whether or not they have finished high school. In fact, the level of education of the veteran is never a bar to his taking such courses. The wisdom of this is that most veterans have been away from books for a considerable time and need brushing up. At Macomb we are fortunate enough to have a Programmed Education Center well staffed by competent full-time instructors on duty day and night.

The Center is lavishly appointed and consists of individual student stations, instructor stations and seminar rooms. It is well stocked with educational programs, tapes and the latest electronic and television equipment.

The Center is an ideal place for a refresher program for veterans. At the moment we have such a program on a pilot basis with ten students paying fifty cents per hour of instruction. If they take twenty-five hours of instruction per week they get their full allotment—$175 per month for a single persons. This allotment in no way touches a veteran's regular eligibility. Veterans can start the program at any time and can take

it at almost any reasonable hour day or night. Counseling is provided by our regular counseling staff.

By next January, we hope to increase the program to one hundred veterans. At every step—ten, twenty-five, fifty students—we will have a full-scale evaluation of attitude and academic progress and we will modify the program accordingly. At our present tuition rate—50c per hour—one hundred veterans will generate about $65,000, which will make the program self-supporting—an especially good idea since Michigan provides no funds for community college programs which generate no college credit.

Many schools, of course, lack a lavish Programmed Education Center. In fact they may not have any such Center, however appointed. This need not bar to a refresher program which can be made self-supporting by charging a reasonable tuition, by making use of programmed materials, and by a deft combination of professionals and paraprofessionals.

VETERANS' TUTORIAL ASSISTANCE

The new G.I. Bill also provides, under Section 1692, that if a veteran is taking at least six credit hours and is in danger of failing a college course necessary for the completion of his program, he is entitled to tutoring help of up to nine months for up to $50 per calendar month. At Macomb we considered using both faculty and student tutors. We ruled out faculty tutoring as too expensive and undertook an investigation of student tutoring.

We reviewed every article published on student tutoring in the last seven years. The results of this investigation were both surprising and heartening. In every case reported student tutoring proved beneficial to both the tutor and the student tutored.

Still, establishing student tutoring at the college level was unprecedented, and proved to be a delicate matter which had to be explained carefully to administration and to the faculty. Essentially I wanted to formalize and extend an already existing situation where students study together and coach each other. The faculty would choose the tutors with the approval of their administrators. The tutors would meet with those they tutored at regular intervals, would receive two dollars an hour for their work, and would report regularly on the progress of those they tutored. The program began in April. It is designed to curb the drop-out and withdrawal rate of student veterans and provide students with thousands of hours of part-time employment.

VETERANS' OUTREACH AND RECRUITMENT

Before I began a comprehensive veterans program at Macomb, the large number of enrolled veterans students was not generally known. When a census was taken, we were surprised to find that we had nearly four thousand in a school of seventeen thousand, or nearly one in four. If we could attract so many veterans with no recruitment effort, certainly we could attract many more if we looked for them. After nearly a year of experimental recruitment effort I have come to the following conclusions:

a. No veteran ought to be recruited for school until he is out of service for at least three or four months. Veterans are young men, they like to blow off steam.

b. All publicity should be designed to get the veteran in touch with a person at the college. The personal touch is of big importance: a signed letter or a phone call are worth a thousand brochures. *Moreover, your best recruiters are satisfied student veterans. An active Veterans Club is your best ally.*

c. Group sessions informally arranged with coffee and doughnuts and pleasant conversation are the most inexpensive and best sort of admissions counseling.

d. Admissions counseling ought to lead to immediate and trouble-free enrollment. (In my opinion students ought to be enrolled throughout the year. There is no compelling reason why all courses must begin in September or February or June. At Macomb we have had excellent luck with mini-mesters—courses lasting only two weeks—but we have not as yet used these courses to their full potential.)

A counseling procedure based on these guidelines is now at the core of the Detroit pilot project for a nationwide educational recruitment drive just funded by the Office of Economic Opportunity.

LIAISON WITH VETERAN'S ORGANIZATIONS

Veterans are a large and vocal minority. There are nearly 28 million of them in the United States and educational benefits are only a small portion of their concerns which range through loans, pensions, rehabilitation, compensation, hospitalization, and license plates for the seriously disabled. No viable community college veterans program can ignore the Veterans' Administration, the Veterans of Foreign Wars, and AmVets, the Disabled American Veterans, the American Legion, the Jewish War Veterans or the Marine Corps League. No community college considering a PREP program can ignore the local military establishment.

I regarded it as a vital part of my job that I meet personally with representatives of each of these organizations on their home ground in an attempt to understand their problems and their point of view.

I also kept in close touch with the veterans' programs in other institutions of higher learning in southeastern Michigan. Finally I organized a conference at Macomb to help consolidate the efforts of the region in behalf of the education of veterans. This conference resulted in the sharing of valuable information and promoted the morale of the participants who no longer felt that their efforts were isolated.

PLACE OF VETERANS' PROGRAM IN COLLEGE OPERATIONS

The veterans' functions of Macomb County Community College—admissions, registration, PREP, refresher, tutoring, recruitment, liaison—obviously needed some focus. The College is in a district which now has two campuses, South and Center. It was decided that veterans' affairs would be a campus function. At Center Campus, which has about two thousand students, the veterans' operations have been pretty much absorbed into everyday campus functioning. At South Campus a Veterans' Information Center has been established to carry on all veterans' functions with the exception of regular admissions and registration, still housed in their traditional offices, and PREP, which has been placed under the direction of the Dean of Continuing Education.

Local conditions will obviously dictate different organizational patterns. Nevertheless at the center of all these patterns there must be the kind of cooperation and encouragement I have received from every administrator at Macomb from the president on down and from the faculty government.

VETERANS' EDUCATION AND BEYOND

The education of returning veterans is undoubtedly a duty of the community college, but it is also more than a duty, it is an opportunity to try, on an experimental basis, the kinds of programs that will be the challenge of the seventies: the use of students and paraprofessionals in higher education, experiments with more flexibility in scheduling and in programs, and the creation of viable educational programs for the disadvantaged.

APPENDIX 1

(Excerpt from Committee Report No. 91–1231 (S. 3657), pages 14–16)

VETERANS' WORK-STUDY PROGRAM

The proposed work-study program (new section 1687 added by section 203 of the committee substitute) would enable full-time GI bill post-secondary trainees with a financial need to perform 100 hours of services needed by the VA (on campuses or at VA regional offices or medical facilities) pursuant to agreement with the VA under which the veteran then becomes entitled to receive, in advance, a work-study educational assistance allowance of $250. The committee believes that this program will be of substantial benefit to individual veterans and their families, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims processing and through outreach work performed by these student veterans. Work-study trainees could also perform various non-professional, badly-needed tasks in VA hospitals, especially assisting the most severely disabled patients and cleanup and general maintenance work. There seems little doubt that such services could be very effectively used in many VA medical facilities. Students would be limited to performing 100 hours of services over a semester or other enrollment period.

This program should be particularly helpful for the almost 50 percent of the GI bill post-Korean trainees with families and for the 27 percent who enroll in nonpublic schools. The rate increase recently enacted in Public Law 91–219 would provide $1,575 over a full nine-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

One key aspect of the work-study program would be veterans performing outreach services under subchapter IV of chapter 3 of title 38 also enacted in P.L. 91–219. Using GS–12's or 13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 20 percent of those separated during fiscal year 1970 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. In many cases, this serious lack of participation by those who desperately need to take advantage of their GI bill benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23, 1969 (H.R. 11959), the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this description perfectly.

In carrying out this new work-study program, the VA would be expected to establish equitable guidelines for determining financial need and need for the services and for selecting and using the services of veterans. Appropriate guidance for determining financial need should be sought in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans would perform such services under agreements with the Veterans' Administration. They would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing ap-

plication and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, workstudy allowances, as all other GI bill allowances, would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in section 3101(a), of title 38, United States Code.

It should also be noted that several witnesses at the hearings referred to the desirability of permitting the VA to contract with colleges and universities (under its general contract authority in section 213 of title 38) to supervise veteran work-study trainees in carrying out outreach activities in a particular locale. The committee strongly endorses this idea, which would be particularly useful if applied in areas where there is no Veterans' Administration Regional Office or Veterans' Assistance Center.

This program differs somewhat in detail from that proposed in S. 3657 but retains the same basic concept which was endorsed by the VA. At the hearing, the Administrator of Veterans' Affairs, in supporting in principle the desirability of a veterans' work-study program, agreed to staff discussions to iron out program details. Those discussions produced the provisions in the committee substitute which the VA has advised is administrable for a relatively small administrative cost $250,000). It is estimated that the services of 56,000 student-veterans might be effectively utilized in the program in the first full year of its operation.

PUBLIC SUPPORT FOR THE McGOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, one of the most heartening and encouraging aspects of the effort to bring the tragic war in Southeast Asia to a close has been the widespread support I have received for the McGovern-Hatfield amendment to end the war. Letters, petitions, telegrams, and telephone calls have reached me from every section of the country and have been eloquent testimony to the deep desire of Americans for peace now.

Yesterday, on the day the Senate voted on McGovern-Hatfield, four outstanding community leaders from New Rochelle, N.Y., flew to Washington with a suitcase full of petitions urging the Senate to pass the end the war amendment. The petitions were signed by 15,000 citizens of New Rochelle, which has a registration of 30,000 voters—a remarkable percentage. I commend Mrs. Sandy Jamieson, Mrs. Michelle Aisenberg, Mrs. Bess Hammers, and Mr. Stephen P. Horgan, who were so instrumental in securing the signatures and organizing their community in the cause of peace.

THE EDUCATION APPROPRIATIONS BILL

Mr. EAGLETON. Mr. President, because of the limitations which applied during the consideration last week of H.R. 7016, the education appropriations bill, I did not have an opportunity to comment generally on the bill. Comment is called for, I believe, by those of us who are appreciative of the generally excellent funding levels provided in the bill and grateful to the members of the Appropriations Committee whose work led to this result.

Chief among them is the distinguished senior Senator from Washington (Mr. MAGNUSON) whose deep concern for American education was made evident throughout the long and difficult process of passing H.R. 7016. Unlike many who express great concern but do little, the chairman of the Labor-HEW Appropriations Subcommittee (Mr. MAGNUSON) is one who actually, to use a colloquialism, puts his money where his mouth is.

Obviously Senator MAGNUSON was not alone in this effort. I want also to commend the other subcommittee members and members of the full Appropriations Committee who joined with him in producing a bill that we can be proud of. In particular, I want to single out the ranking minority member of the subcommittee, the distinguished senior Senator from New Hampshire (Mr. COTTON), whose close working partnership with the subcommittee chairman has contributed greatly to the excellence of this bill.

In the course of the subcommittee's hearings on this bill I had the opportunity to appear and to comment upon what I felt to be inadequacies in the funding levels provided in the House bill and the desirability of increased funding by the Senate for certain programs. In the course of my statement, I made the following suggestion:

In dealing with deficiencies in the House bill, it is impossible for your Committee to meet all the valid and urgent claims competing for the federal dollar. Therefore, it would be useful to establish criteria to apportion the limited funds. I would suggest three tests:

"First, there are on-going programs that have increased students or new functions, but there has been no new funding. In such instances existing levels deserve to be proportionally increased. Some authorized programs that have never been started should begin at once.

Second, there are programs where formulas and administrative revision have brought inequities. Adjustments are required to meet special situations.

Third, several effective quality programs have been arbitrarily cut below workable levels; here funding should be restored to the amounts of previous effectiveness.

These are austerity standards. I fear that they really fall short of realistically sustaining present levels and they do not permit room for expansion. There is no allowance for inflation, a recognized factor in other governmental calculations. But I feel that they set forth minimal guidelines when steering a compromise course between the desirable and the practicable.

In my judgment, H.R. 7016 meets these criteria in nearly every respect.

The best example of an excellent program that has been authorized but never funded is category "C" of the impacted areas aid program, which provides for assistance to school districts on the basis of children living in tax-free, federally constructed public housing. The $60 million appropriation approved by the committee and by the full Senate marks the first step toward making this program a reality and, I should add, is a major step forward in introducing a greater measure of equity to the often criticized impacted areas aid program. I ask unanimous consent that a table prepared by the U.S. Office of Education be printed in the RECORD at the conclusion of my remarks. This table shows the estimated allocation among the States of entitlements under category "C" of impact aid and the corresponding allocation of the $60 million appropriation contained in H.R. 7016, which represents approximately 20 percent of entitlements.

The bill also seeks to remedy hardships caused by administrative discrepancies. A prime example is the adult education program where, because of formula changes, 17 States will have to reduce their programs unless Congress provides $35 million more than the amount recommended by the administration and voted by the House. The Senate bill provides this additional $35 million.

Finally, an example of a program arbitrarily cut by the House is NDEA III which has been of unquestioned value to school districts all across the country. The House approved a cut of $30 million below last year's appropriation of $50 million. The Senate bill restores the House cut and adds an additional $40 million to permit further strenghtening of school curriculum in the instruction of science, languages, mathematics, and other academic subjects.

These are just several examples of the very constructive results that have been produced by this bill. There are many other programs in all areas of education which have been increased to meet proven, pressing needs.

Mr. President, I fully support the actions taken by the Appropriations Committee and approved by the full Senate. The Senate bill is an enormous improvement over the measure sent to us by the House. I know the Senate conferees will be steadfast in their insistence upon realistic appropriations—funding levels that are closer to those contained in the Senate bill than those that are in the House bill. I pledge my support of them in this effort.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Total	$300,000,000	$60,000,000
Alabama	9,096,000	1,819,000
Alaska	354,000	71,000
Arizona	1,269,000	254,000
Arkansas	2,418,000	484,000
California	16,697,000	3,339,000
Colorado	1,780,000	356,000
Connecticut	6,438,000	1,288,000
Delaware	614,000	123,000
Florida	7,124,000	1,425,000
Georgia	11,467,000	2,293,000
Hawaii	1,238,000	248,000
Idaho	121,000	24,000
Illinois	25,843,000	5,169,000
Indiana	3,170,000	634,000
Iowa	575,000	115,000
Kansas	901,000	180,000
Kentucky	896,000	179,000
Louisiana	5,746,000	1,149,000
Maine	470,000	94,000
Maryland	5,023,000	1,005,000
Massachusetts	14,085,000	2,817,000
Michigan	6,755,000	1,351,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 874, MAINTENANCE AND OPERATIONS—ESTIMATED FISCAL YEAR 1972 AUTHORIZATIONS AND PAYMENT AT 20 PERCENT FOR PUBLIC HOUSING PUPILS—Continued

State and outlying areas	Full entitlement public housing	20 percent proration of public housing
Minnesota	$4,009,000	$802,000
Mississippi	2,000,000	400,000
Missouri	4,624,000	925,000
Montana	428,000	86,000
Nebraska	3,015,000	603,000
Nevada	675,000	135,000
New Hampshire	1,186,000	237,000
New Jersey	19,485,000	3,897,000
New Mexico	691,000	138,000
New York	48,918,000	9,783,000
North Carolina	5,751,000	1,150,000
North Dakota	277,000	55,000
Ohio	12,261,000	2,452,000
Oklahoma	1,517,000	303,000
Oregon	2,645,000	529,000
Pennsylvania	19,766,000	3,953,000
Rhode Island	3,418,000	684,000
South Carolina	2,237,000	447,000
South Dakota	411,000	82,000
Tennessee	7,954,000	1,591,000
Texas	11,365,000	2,273,000
Utah	15,000	3,000
Vermont	269,000	54,000
Virginia	5,292,000	1,058,000
Washington	3,755,000	751,000
West Virginia	900,000	180,000
Wisconsin	2,813,000	563,000
Wyoming	78,000	16,000
District of Columbia	4,057,000	811,000
Guam	71,000	14,000
Puerto Rico	7,423,000	1,485,000
Virgin Islands	614,000	123,000
Wake Island		

Note: Estimates of the authorization for public housing are the least accurate due to the lack of a firm data base regarding the number of eligible pupils. Estimates have been based primarily on the number of low-rent housing units reported as under management as of Dec. 31, 1970.

ASSISTANCE TO DEVELOPING INSTITUTIONS

Mr. HARRIS. Mr. President, on Thursday, June 10, 1971, the Senate authorized, as part of the Education Appropriation Act of 1972, an appropriation in the amount of $53,850,000 for "Strengthening Developing Institutions." This figure shows an increase of $15,000,000 over the House allowance.

It is my opinion that this appropriation falls far short of the Federal funds needed to meaningfully assist those colleges and universities with predominantly black student enrollments.

The needs of these institutions could be more adequately met by appropriating the full $91,000,000 authorized in the legislation. Regretfully, this was not done.

There are approximately 111 predominantly black public institutions at present. These institutions were originally created as a courageous response to this country's shameful lapse in social justice. Today, however, they are the victims of social progress. After a century of lonely service to black students, these institutions now face, in addition to higher education's general financial crisis, a severe drain of their best talent as many able black students and faculty are attracted to the predominantly white universities because of increased financial aid and expanded educational programs, most of which have been made possible by funds received from various Federal sources. Because most of our Federal dollars are poured into competing, predominantly white institutions, black public colleges, particularly those in the Southern States, are finding it almost impossible to expand or to integrate their schools.

The crisis that these institutions are presently faced with and its impact upon the future of black-white relations in America is clearly expressed by columnist Milton Viorst in the June 14 copy of the Evening Star. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, June 14, 1971]

BLACK COLLEGES GET A RAW DEAL

(By Milton Viorst)

Black colleges are in big financial trouble—and on their survival depends much of the hope for closing the gap between black and white in America.

For, to compete effectively against whites in business, government and the professions, it is indispensable that the black community have a cadre of well-educated leaders.

To be sure, American Negroes have produced an incredible number of outstanding leaders, given the educational handicaps they have faced.

As recently as World War I, the South—where 90 percent of all blacks then lived—had only 45 fully functioning high schools for Negroes.

According to the Census Bureau, even among blacks born in 1930, the median number of school years varies between five for former rural children and nine for city dwellers.

Right now, almost all black college students represent the family's first generation in higher education—and function completely without the benefit of a university tradition.

Recently, considerable publicity about blacks in standard universities—including black militants, black athletes, black merit scholars and the rest—has conveyed the impression that the problem was being solved by integration.

The impression is misleading. Most blacks remain in predominantly black institutions—and that situation is likely to continue for the foreseeable future.

That is why the survival of these black institutions is so important to American society.

But black higher education in America is receiving a raw deal—and the worst offender is the federal government itself.

By law, the federal government shares with the states the support of the land-grant colleges, the nation's principal system of public higher education.

The land-grant colleges are no longer segregated, as they once were, but in the South they remain "predominantly white" or "predominantly black." And color is unquestionably the chief factor in determining how much the federal government gives them.

For example, in the last year of the Johnson administration, the government gave $5.8 million to Clemson, South Carolina's "white" land-grant college. It gave South Carolina State, the black counterpart, $490,000.

Though Clemson is three times larger, it received 12 times more money than South Carolina State.

Checking the most recent figures, it turns out that the Nixon administration's contribution to Clemson in 1970 rose to $6.4 million, while its contribution to South Carolina State dropped to $442,000—changing the ratio to almost 15 to 1.

The most recent figures also show, for example, that the federal per capita contribution to Alabama's white land-grant college was $642; to the black, it was $277, a drop of 32.4 percent since 1968.

For Georgia, the figures are $920 for the white school; $262 for the black, a 33.7 percent drop.

Nationally, the federal contribution per white land-grant student last year was $710, a slight increase over 1968. For black students, it was $310, a decrease of 12 percent.

Needless to say, this pattern of federal racism is intensified at the state level. Yet the ratio of state aid is not, racially speaking, as discriminatory as federal aid.

In December, in response to complaints of insensitivity from black educators, HEW Secretary Elliot Richardson announced that he was transferring $30 million into an emergency fund for Negro colleges, both land-grant and non-land-grant. At last examination, only a fraction of that money had been spent.

Early this year, the Carnegie Commission on Higher Education reported that black colleges needed a tripling of federal support to fulfill their "opportunities for service."

In March, the congressional Black Caucus presented the issue as one of its 60 grievances.

With his usual piousness, the President answered that he "recognizes the special needs of black colleges" and that "your broad goals are largely the same as those of the administration." He has, however, proposed no programs.

Clearly, the record of the Johnson administration and of those which preceded it is inexcusable; but that of President Nixon is worse.

Unless concern replaces this indifference, the gap between white man and black is not likely to change very soon.

LET THE McNAMARA PAPERS BE PUBLIC

Mr. HART. Mr. President, authority to classify documents is intended to protect the national security, not the reputations of governments.

Documents may be classified to prevent publication of secrets which might give tactical or strategical advantage to an enemy, but documents should not be classified to prevent embarrassment.

Surely, no one likes to embarrass a friend, and a case can be made that representatives of different governments should have an opportunity to exchange confidential informaton.

But those foreign friends which may still look to us as a major defense of "the free West" realize, I am sure that the strength of our society rests on the right of and the need for the public to know what its government is about. If our friends want this Nation to remain strong and a force for freedom, then they must understand that any reluctance to embarrass a friend is overwhelmed by the public's right to know.

To argue that government documents should not be released because the public might misinterpret them is to give to government an omnipotence justified neither by history nor by our Constitution.

Those who contend that Government documents which they feel may undermine confidence in Government should not be public, err in believing that confidence in a democratic Government springs from secrecy rather than from public knowledge.

As far as I know, no one contends that

the New York Times reports on the McNamara study of U.S. involvement in Vietnam are inaccurate, deal with deliberations of the current administration, or reveal plans for future military actions.

Both the Times stories and the study, deal with the history of the Vietnam war in 1968. It is not to early for us, as a people, to learn from that history.

So that we may continue to learn from the past for the benefit of the future, I urge the administration to reconsider its decision to attempt to stop publication of reports about the McNamara study.

That plea is made with the full awareness that the study probably does not include all pertinent documents, and that testimony of the persons involved may affect the color of the meaning of some of the documents included. For that reason, I welcome and support Senator Mansfield's intention to conduct congressional hearings on the report.

But the absence of some documents or of the testimony of persons involved, singularly or together, do not outweigh the importance of publishing the McNamara report. That report represents a major step toward gaining a fuller understanding of U.S. participation in the Vietnam war.

Mr. President, I would like to make one additional point.

The fact that this document, historical in content, remains classified, brings to mind the often made complaint that many Government documents of public interest are unjustly classified.

Once again Congress has good reason to reexamine the Nation's method of classifying information, perhaps with the intent of establishing an effective avenue for public challenge to improper classification.

At this point in our history, it might be well to recall the words of Thomas Jefferson:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

THE VIETNAM PAPERS

Mr. McGEE. Mr. President, in assessing the recent publication of but a small portion of the 47-volume report represented as an analytical and all-inclusive study of our Nation's involvement in Vietnam, I believe it behooves us all to reflect on that period in our history.

In conjunction with this statement, I would like to point out a column by Rowland Evans and Robert Novak which appeared in this morning's edition of The Washington Post. The column, entitled "The Vietnam Papers," strikes a valid point which should not be lost on the Nation in light of the apparent emotion surrounding the divulgence of this 2.5-million-word study.

It would be well for all of us to go back to the scene in 1963 and 1964 and take a good, hard look. At that time, Mainland China was very much on the move. With the aid of Peking, Indonesia was on the brink of being taken over by the PKI. There were predictions from Mainland China that Thailand would be taken next. It looked as if all of Southeast Asia was on the brink of falling.

Since that time, Mainland China has experienced many failures. Her influence in Africa has been considerably diminished. She was literally thrown out of Indonesia. She suffered similar setbacks all over the globe.

Now, it is a whole new ball game. With the exception of Laos, all of the other small, independent governments in East Asia have much more viable economies and, in most instances, stable governments. This is much more than we could have hoped for 8 years ago when the black clouds of uncertainty hung ominously over all of Eastern Asia.

It is, therefore, important that we not lift out of context questions which appeared to be far more serious at the time than they now might appear in hindsight.

Another impression being conveyed very strongly by the publication of the portion of the study which has so far appeared in print is that there was a firm decision made by the President before the election in the fall of 1964 to put forth an all-out effort in bringing Hanoi to her knees.

This is a sheer distortion. The record shows that such decisions remained on a contingency basis and on an assessment of available options which were under constant review until the spring of 1965. In the spring of 1965, a total collapse of the South Vietnamese government in the face of a North Vietnamese gamble of an all-out assault with her own regular troops and modern weaponry in the South was imminent. This required the tough decision on the part of the President which he was ultimately forced to make.

One may wish to fault the decisions made, and I am sure President Johnson would be the first to attest to the many factors which were present in his ultimate decision. But a President does not have the luxury of awaiting the judgment of history before he can make that decision. And every decision of the hairline type, which has always characterized Vietnam, lays the process of that determination open to severe criticism no matter which way the decision goes.

So, I must repeat what has been said many times. The assessment of these issues being exposed in a fragmentary way, not only by The New York Times but also the study itself, should in all fairness be left to the subsequent efforts of historians. We do our country serious disservice torturing and twisting these factors by lifting them out of context.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 17, 1971]

THE VIETNAM PAPERS

(By Rowland Evans and Robert Novak)

Even though the remarkable collection of Vietnam papers published by the New York Times by no means proves the charge that President Lyndon Johnson was playing a game of calculated deceit during the 1964 presidential campaign, its impact on the political process in this country may be devastating.

That's because many voters will take at face value the charges by antiwar politicians that the papers show Mr. Johnson had already made up his mind to bomb North Vietnam long before his peace-oriented campaign of 1964. They will not bother to read the documents themselves which clearly refute that charge and reveal a President tortured by doubt after the election.

Thus, responsible officials here warn that the political effect of The Times' publication of the documents, many of them "top secret," lies not in further damage to Mr. Johnson's reputation. Rather, the damage—and these officials regard it as extremely serious—lies in a further breakdown of confidence in the U.S. government, particularly among the youth.

As such, in the words of one key official of the Johnson administration, who long since has entered the antiwar ranks, the published documents are "a stunning blow to moderate liberalism in the United States and a tremendous gain for the Far Left."

The reason is found in the current conventional wisdom about Vietnam. With even politicians on the far right now demanding an immediate pullout of all U.S. troops from Vietnam, the rationale of deliberate war escalation that permeated the published documents written by high officials in the Johnson administration during the mid-1960s looks treasonous or insane in retrospect.

But that rationale should be judged by the mood of 1963–64. Then, even the New York Times, now so passionate a leader in demanding an immediate end to the war, was playing a different tune.

A Times editorial on Sunday, Nov. 3, 1963, just after the Saigon coup d'etat that resulted in the murder of President Ngo Dinh Diem, praised the fact that Diem's successors "are dedicated anti-Communists who reject any idea of neutralism and pledge to stand with the free world." The editorial noted with pleasure that certain key figures in the Diem government who had "tried to make a deal with the Communist North Vietnamese along lines hinted at by President de Gaulle" were purged from the government along with President Diem.

An unsigned article in the News of the Week in Review section that day asserted that South Vietnam must not be allowed to fall to the Communists because it "holds the key" to all Southeast Asia, that even India "would be outflanked," and that it "would raise doubts around the globe about the value of U.S. commitments to defend nations against Communist pressure."

The Times, obviously, had every right to change its mind, as many other Americans of both parties eventually did. But what The Times itself was advocating in late 1963 is vital to an understanding of what Lyndon Johnson eventually did.

Moreover, the published documents reveal that the Johnson war plans were still subject to debate long after the 1964 election—a fact that badly undercuts the conspiracy theory.

As late as Feb. 7, 1965, a few days after the Communist attack on the American barracks at Pleiku in the central highlands, McGeorge Bundy, Mr. Johnson's national security aide, wrote in a memorandum to the President that the Pleiku attack "(has) created an ideal opportuntiy for the prompt development and execution of sustained reprisals" against North Vietnam.

Contigency plans for just such "sustained reprisals" had been drafted months before inside the government, but Mr. Johnson had persistently and adamantly refused to give his approval.

Yet Bundy, the Pentagon, Gen. Maxwell Taylor (then the U.S. Ambassador in Saigon), and State Department officials could not have

been expected not to prepare elaborate contingency plans. Had they not done so, they would have been derelict.

What deeply concerns politicians here is that publication of the Johnson documents when the national mood is so changed will trigger a vengeful hunt for scapegoats that could undermine national confidence. As one Johnson policy-maker told us: "This is a calculated effort to make honorable men seem dishonorable."

WITHDRAWAL FROM VIETNAM

Mr. HATFIELD. Mr. President, yesterday the Senate rejected two alternatives for ending our involvement in Indochina.

Yesterday, the U.S. Conference of Mayors voted for a resolution calling for the President to withdraw all troops from Vietnam by the end of the year.

Yesterday, Gen. Matthew B. Ridgway, former commander of our forces in Korea, called for the complete withdrawal of all our troops from Vietnam, in no later than 9 months from now.

Mr. President, General Ridgway is one of this country's most distinguished soldiers. Further, he knows well the difficulties and the challenges of military engagement on the Asian mainland. His wisdom, his judgment and his previous military experience with American forces in Asia give his words an unquestionable ground of authority and forcefulness.

After yesterday's vote, I have become even more convinced that a majority of this body favors the setting of a terminal date for our involvement in Indochina.

As long as the war continues, we will continue in our efforts to assert our Constitutional duty, and to bring our involvement to a decisive, swift and complete end.

Yesterday's events have only made firmer my determination to seek a legislative end to our involvement in this war.

I ask unanimous consent that a press report on General Ridgway's comments, taken from the Boston Herald Traveler of today, June 17, 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PULL OUT EVERY GI: RIDGWAY

NEW YORK.—Gen. Matthew B. Ridgway, former commander of U.S. forces in Korea, has called for the withdrawal of all U.S. troops from Vietnam by no later than nine months from now.

Ridgway, in writing in the quarterly Foreign Affairs, says complete withdrawal means "the removal of every U.S. uniform from the mainland of Vietnam, except embassy guards."

So long as U.S. armed forces remain in South Vietnam, he says, "our men will be mortared, shelled or otherwise attacked," and "so long as they are attacked they will counterattack with fire and movement and the war will drag on, not end."

Ridgway voices skepticism about the Nixon administration's plan for "winding down the war."

"How can we reconcile retention of a 'residual force,' of which the secretary of defense speaks with 'complete withdrawal' to which the President is publicly committed?" he asks.

The prisoner question, he observes, "is a torturing one" which deserves "unceasing effort on the part of our government."

But Ridgway says he doubts the "openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel" would be effective.

He says the question of whether "stepped up bombing of North Vietnam targets, including population centers," will succeed in winning release for the prisoners is open to serious question.

He argues that in another six to nine months the South Vietnamese army will have had "ample time to attain adequate training levels, if it is ever going to do so," and says "at the end of that time, regardless of developments," the United States should begin phasing down operations until complete withdrawal is achieved.

At the same time, he says, the United States should continue "by every reasonable means to bring about the release of captive personnel in hostile hands until that goal has been attained."

POPULAR SUPPORT IN MASSACHUSETTS FOR COMPREHENSIVE NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, the debate over national health insurance continues to increase in its proportions. One of the important areas of discussion is concerned with whether the Federal Government should administer the program, or whether private insurance companies should continue to retain the responsibility for the program. Too often, the needs and opinions of the people involved in the issue are not duly considered.

A recent poll, conducted by the Becker Research Corp. in Boston for the Boston Globe, indicates that 64 percent of the population in Massachusetts favor the position that the Federal Government should "take over the responsibility of providing medical care for all those who want it." Only 30 percent oppose the Federal Government's administering the program. Indeed, a majority of the people in each of the income groups sampled in the poll were in favor of the Federal Government administering a national health program.

I believe that the Massachusetts' poll is an important indication of popular support for a Federal health care program. In fact, as the poll indicates, there is broad support for a complete Federal takeover of the health system in the Nation. Thus, the people are willing to go far beyond any steps proposed in any pending legislation, and far beyond what many other Senators and I have proposed in the Health Security Act.

I believe this poll will be of interest to all of us concerned with public attitudes on the health care issue, and I ask unanimous consent that the Massachusetts poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, April 3, 1971]

MASSACHUSETTS POLL—BAY STATERS PREFER U.S. MEDICAL PAYMENT

People in Massachusetts, by better than 2 to 1, favor the Federal government's furnishing medical care, according to the Massachusetts Poll, conducted for The Globe by the Becker Research Corp. of Boston.

The poll shows 64 percent for and 30 percent against changing the present system of medical care so that the Federal government would take over.

Opinion tends to divide along partisan lines. Seven Democrats and independents in 10 support the idea, while Republicans are divided, with 46 percent in favor and 49 percent opposed. There also seems to be less receptivity to the proposal among the more affluent than among the lower-income groups.

A Boston carpenter said: "In most European countries it's a success."

A Boston truck driver remarked: "The British use it and have seemed to be successful."

A barber said: "The Federal government should move in on the hospitals, otherwise leave medical care alone; $110 for a hospital bed is too much."

A Chelsea businessman called it "too much socialism, too high cost."

A factory worker from Allston said: "The government shouldn't delve into those things."

A production manager from Dorchester, unemployed, said: "You start to get into socialized medicine."

The poll was taken by telephone between Feb. 5 and Feb. 12 among 1000 Massachusetts residents 18 years or older.

The poll results:

"QUESTION PEOPLE WERE ASKED"

"Some people have proposed changing the present system of medical care in this country so that the Federal government would take over the responsibility of providing medical care for all those who want it. Would you favor or oppose this change?"

[In percent]

	Favor	Oppose	No opinion	Percent base
Total Massachusetts public	64	30	6	1,000
Area of State:				
City of Boston	65	26	9	506
Boston Suburbs [1]	63	32	5	296
Rest of State	64	29	7	198
Political party:				
Democrats	70	23	7	551
Republicans	46	49	5	223
Independents	67	27	6	181
Sex:				
Men	64	31	5	499
Women	63	30	7	501
Income:				
Under $5,000	68	24	8	184
$5,000 to $7,499	71	17	12	142
$7,500 to $9,999	72	22	6	192
$10,000 to $14,999	64	32	4	227
$15,000 and over	52	45	3	148

[1] Counties of Essex, Middlesex, Norfolk, Plymouth and Suffolk, excluding Boston.

LET THEM EAT LEAD

Mr. KENNEDY. Mr. President, once again, the hazards of lead based paint poisoning have been recognized and commented upon by one of our leading journalists, Jack Newfield, an editor of the Village Voice. His article, "Let Them Eat Lead," in the June 16 edition of the Boston Globe sharply focuses attention on this critical problem—a problem recognized by my colleagues when they enacted legislation last fall that provides for Federal support of programs that find and treat children with high lead levels. The Congress has recognized the need for legislation in this area. The President, when he signed the authorization bill in January 1971, recognized the need for legislation. Unfortunately, in May, the House-Senate conference committee failed to accept the Senate recommendation of $5 million to fund vitally needed programs. Secretary of Health, Education, and Welfare Elliot Richardson has so far neglected to re-

quest funds for lead paint poisoning programs despite repeated evidence like that presented by Mr. Newfield that the lead poisoning menace must be terminated.

In his eloquent article Mr. Newfield clearly outlines how this relatively little known malady afflicts our Nation's children—most of whom are black and living in our Nation's urban ghettos. When 200 white children died of polio it was an epidemic. But, as Jack Newfield points out "only a lack of purpose sentences 200 black children to die of lead poisoning each year."

Mr. President, I find it increasingly difficult to conjure up the right combination of catalysts that will spur this Congress and the administration to move toward an effective end to this health hazard. We have made the case for this program repeatedly. When the lead poisoning hazard is stopped, then we can stop.

Mr. President, I ask unanimous consent to enter in the RECORD the very fine article from the Boston Globe by Mr. Jack Newfield.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET THEM EAT LEAD

(By Jack Newfield)

Lead poisoning is a small thing, a little horror compared to the Vietnam war, or the fact that parts of Brownsville look like Laos, or the Moon.

There are no marches on Washington to protest lead poisoning, no theatrical threats of violence by its victims, no guest shots by its chic critics on Dick Cavett.

Last month, on May 20, a Senate-House conference killed the last chance to appropriate a meager $5 million this fiscal year for lead poisoning treatment and prevention. The next day the deed was not noticed by any New York newspaper or television station. It seems that nothing is real to the media until it reaches the white middle class, like heroin addiction, or unemployment. Then it is a crisis.

But the little horror of lead poisoning is the special prism through which we can see, with piercing clarity, the rainbow of larger horrors—racism, decaying cities, inadequate health care, bureaucracy and demented priorities.

Lead poisoning is an environmental disease of the urban ghettos. Children, usually between the ages of 1 and 6, get it by eating the sweet-tasting chips of peeling tenement walls, painted a generation ago with leaded paint.

According to the Department of Health, Education and Welfare, 400,000 children are poisoned each year, about 30,000 in New York City alone. About 3200 suffer permanent brain damage, 800 go blind or become so mentally retarded that they require hospitalization for the rest of their lives, and approximately 200 die.

The tragedy is that lead poisoning is totally man-made and totally preventable. It is caused by slum housing. And there are now blood tests that can detect the disease, and medicines to cure it. Only a lack of purpose sentences 200 black children to die each year.

When 200 white children died of polio it was called a national epidemic, and all our scientific resources were galvanized to find a cure. But 200 black children are invisible, and nobody wants to know their names.

On Dec. 31, 1970, Congress passed the Ryan-Kennedy Bill, which authorized $30 million in Federal grants to combat lead poisoning. On Jan. 14 of this year, President Nixon signed the Lead Paint Poisoning Prevention Act.

But then nothing happened. Although the bill authorized $10 million for fiscal 1970–71, and $20 million next year, HEW Secretary Richardson refused to ask Congress to appropriate the money. The President did not mention lead poisoning in his annual health message to Congress; Secretary Richardson did not mention it in his budget testimony before various committees.

Last month the Administration submitted its second supplemental appropriation bill, a $6.8-billion package of extra money requests for this fiscal year, which ends on June 30.

The bill included funds for every special interest; $3.5 million for dairy and beekeeper indemnity; $166 million for defense; $80 million for maritime subsidies; $15 million for highway beautification; and $275 million for the highway trust fund.

But not one cent for lead poisoning, even though Congress had already authorized $10 million. Rep. Bill Ryan and Sen. Ted Kennedy tried to break tradition and add $5 million for lead poisoning, even though the Administration and the committee barons didn't want it. It was on May 20, in the clubby secrecy of the Senate-House conference, that this $5 million was eliminated from the budget.

Rene Jules Dubos won a Pulitzer Prize for his book, "So Human An Animal." Last year, at Rockefeller University, he concluded a speech on lead poisoning with these words: "This problem is so well defined that it may provide an occasion to introduce a kind of social accounting . . . if we do not act on this limited problem, then I believe that our society is intellectually and morally dishonest in talking about improving social conditions. If we, with all our technological means, are not willing to make the effort to eliminate lead poisoning, then our society deserves all the disasters that have been forecast for it."

Government policy is not an abstraction. It has specific human consequences. Bureaucrats and politicians may conduct cordial meetings in comfortable offices in Washington, and decide not to spend any money on lead poisoning.

But those crisp, impersonal decisions kill other people. Clerks can be held accountable for genocide just as well as generals.

Lead poisoning is a preventable disease. Congress has made a law, but Secretary Richardson won't implement it.

And so small, black children, in Watts, in Buttermilk Bottom, in Bed Stuy, will eat paint chips, vomit, tremble with convulsions, slip into a coma, and die.

THE MILITARY SELECTIVE SERVICE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now lays before the Senate, at the conclusion of the period for the transaction of routine morning business, the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 6531, to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on amendment No. 149 of the Senator from New York (Mr. BUCKLEY), on which there will be 1 hour of debate, the time to be equally divided between the Senator from New York (Mr. BUCKLEY) and the Senator from Mississippi (Mr. STENNIS).

The Chair now recognizes the Senator from New York.

Mr. BUCKLEY. Mr. President, amendment No. 149 would reduce the proposed extension of the induction authority from 24 months to 20 months.

I am pleased to say that it is an amendment which is cosponsored by the Senator from Colorado (Mr. DOMINICK) who, as a member of the Armed Services Committee, has heard and considered the testimony which supports the feasibility of phasing out the draft by March of 1973.

I am deeply conscious of the fact, Mr. President, that this body has already rejected amendments calling for a 1 year and for an 18-month extension of the draft, and that it may well be asked why the Senator from Colorado and I should ask our colleagues to consider still another amendment, and one at that which would reduce the proposed extension by only 4 months.

I submit that the amendment now being debated involves much more than a reduction by a third of a year in the proposed draft authority. It involves the opportunity for the Senate to make a tangible commitment to the concept of an all-volunteer military.

Forty-three Senators voted for a 1-year extension, and seven more voted for an 18-month extension of the draft. Thus, 50 Senators are on record for terminating the draft in less than 2 years. This suggests that there is a clear majority sentiment in favor of the earliest feasible conversion of our armed services to all-volunteer forces, especially as some Senators who voted against these other amendments questioned the prudence of having an extension of the draft terminate in the middle of an election year, or at a time when a lame duck Congress would be sitting. Thus, it is quite possible that the postponement of the termination date until March of 1973, well after 93d Congress is seated, may well be all that is required to cause the Senate to assert in an unmistakable manner, its determination to see the draft phased out at as soon as this can be prudently accomplished.

Also, since the voting on the 1-year and on the 18-month extensions took place, there has been another most significant development which bears on the prudence of the amendment now under debate. I speak of the adoption of the Allott amendment which incorporated the increases in compensation recommended by the Gates Commission as a precondition to an all-volunteer military. As the amount of these increases is comparable to those already approved by the House, it is a foregone conclusion that we will begin the next fiscal year with levels of compensation, especially for the lower grades, which ought to assure the successful phasing out of the draft within the 20-month period provided for by amendment No. 149.

I will not detail the wealth of evidence which supports this conclusion. The facts and figures contained in the Gates Commission report and in testimony presented before the Armed Services Committee have been reviewed on this floor on a number of occasions since debate on H.R. 6531 began. I am sure that my colleagues are fully familiar with this evidence as well as with the arguments ad-

vanced by those who believe that such data notwithstanding, it would be imprudent to extend the Induction Authority for a period of less than 2 years. I submit, however, that little meaningful risk would be incurred in relying on the Gates Commission report and on the testimony supporting the feasibility of moving into an all-volunteer military for the reason that should the manpower projections fall short of expected goals, the next Congress will have the time within which to consider an additional extension in the light of actual experience prior to the expiration of the proposed extension—that is to say, prior to March of 1973.

On the other hand, a failure on the part of the Congress clearly to demonstrate its determination to move swiftly to all-volunteer forces, could in itself result in unnecessary delays in achieving what I and others consider to be an essential goal. Although the military are making commendable efforts to implement the changes in recruitment policies and the reforms which, together with the increases in compensation now scheduled for the coming fiscal year, are required in order to achieve appropriate levels of volunteer enlistments, the added incentive of a clear congressional mandate would insure that every possible effort is made to achieve this goal.

There is another, most important reason, Mr. President, for Congress to indicate at this time its commitment to the concept of all-volunteer forces through the enactment of this amendment: Ours is a war-weary country, a country in which the continuing existence of the draft has become a symbol of social dislocation and of the alienation of too many of our young men. It is important that the Congress underline its intention to do away with the draft just as soon as this can be accomplished without injury to our Nation's security and its confidence that this goal can be achieved in less than 2 years. This will not be achieved through a 2-year extension, even though this is a departure from the past practice of the 4-year extension. It will not be achieved by a 3-year extension because the debate thus far has made it clear that a number of the Senators who will vote for the 2-year extension do not favor an all-volunteer military in the foreseeable future. These Senators either are not convinced of the feasibility under present circumstances of returning to our traditional reliances on all-volunteer forces, or they believe it is somehow inequitable not to have some draftees in our armed services so long as there is a chance that some of our forces will be engaged from time to time in actual combat.

I am deeply conscious, Mr. President, of the fact that we are beginning to run a serious risk to our national security because of the relatively static state of our military power, quantitatively and qualitatively, in contrast to the rapidly increasing strength of the Soviet forces and Soviet armaments in just about every category of weaponry. The deterioration of our position vis-a-vis the Soviet Union is graphically described in an article appearing in Life magazine this week which is entitled, "Our Four-Star Military Mess—the Blunt Fact Is We Are About To Become No. 2." Yet we continue to feel pressures for still further cuts in an already inadequate defense budget. I suggest, Mr. President, that we will not find ourselves in a position to refocus an appropriate amount of our resources on this first of all national priorities; namely, our national survival, until and unless we somehow defuse the antimilitarism which has infected so many of our citizens.

I submit that the most effective single measure which we can take to reduce this antimilitarism and to restore the conditions where a sensible national debate can take place as to our true defense needs, is to eliminate that massive irritant of compulsory military service. Let us not forget that each year over 2 million young men come under the shadow of the draft, and that each of these young men has brothers and sisters and parents whose attitudes are inevitably colored by the prospect that one of their own may be forced into involuntary service. This growing antipathy to service is a natural one, a human one, an understandable one. And more than that it is a political reality which will not be dissolved by reminders as to the sacrifices which free men are called upon to pay in every generation in defense of their liberties.

Yes, it is possible that the estimates and the projections offered in support of all-volunteer forces may be wrong. It is possible that we may find that the inducements now enacted, plus the antimilitarism now with us, will cause true volunteers to fall significantly short of expectations. It is possible that we will need to redebate this great issue in January and February of 1973 if actual experience and the imperatives of national defense make it clear that selective service must be extended for still another period of time. I recognize that we may run some element of risk in paring back the period of the proposed extension by 4 months, just as I recognize that the increases in compensation incorporated in the Allott amendment—for which I voted—might result in still further reductions in equally essential investments in military research and hardware. I feel, however, that we run a far greater risk if we fail to tell the country unequivocally at this time that the Congress of the United States has determined to move away from the draft, and to that system of all-volunteer forces which has supported us throughout most of our history.

Mr. President, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a very short quorum call, the time to be charged to my side.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I want to say a general word at this time. Yesterday completed the sixth week of debate on this bill. I think that it has been a very wholesome debate. Especially I have no complaint about the debate on the bill. I welcome it. It is part of the legislative process. However, I really think that now, with all due deference to everyone, all the major points have been covered and all Senators interested in those major points have certainly had their day in court.

We have had arguments pro and con and back and forth. We have had rollcall votes with plenty of notice given in advance as to when the vote would be taken, so that every Senator who was physically able has had a chance to be here and to record his will. With all deference to each Senator and his rights as such, there just comes a time in the legislative branch of the Government when we have to close ranks and move forward and work together to pass what we think is responsible legislation. It is not like the executive branch where, if the executive is within the law and has the power, he can say it should be this way, or we should do this or do that. The legislative department cannot take that attitude and say, "It is our way or no way." As a part of the legislative branch, things have to finally come to a vote and be controlled by the rules.

I think we have reached the point now where we have an obligation to the Senate as a whole to close ranks, move forward, and bring this bill to a final vote. Those who oppose the bill can vote no, of course, and those who think we should have it can vote yes; but we will have discharged our obligation to the Senate and the people.

We are now going into the seventh week of debate on this bill. I hope from now on that the overwhelming majority of the membership will be willing to close ranks and take the attitude that even though there may be some merit in amendment X, it already has been passed upon in amendment B, and we will be able to avoid going over the same subject matter again and again.

With great deference to the author of this amendment and those who may support him, I point out the subject of the extent of the duration of this law, if it passes, and I think it is certain to pass, has already been subject to extensive debate. We have had debate on the proposition of no extension at all, that is, not having any Selective Service Act. We debated that at length. That was the Hatfield proposal which was voted on May 26. That proposal was rejected by a vote of 67 to 23, an overwhelming defeat of almost 3 to 1.

Later, we passed on the proposition of 18 months, which had been proposed by the very able Senator from Colorado, who is a very valuable member of our Committee on Armed Services. He proposed that we renew the act but that we let it run for only 18 months. Debate was had and that amendment was rejected by a vote of 67 to 8.

Then, we had the amendment that had been pending the longest in connection with this matter and that amendment was somewhat the father of these time amendments. I refer to the Schweiker amendment. After 9 days from the votes, on the amendments I have already mentioned, that matter came to a head and after spirited debate and the most searching kind of decision on whether we would have an extension for 12 months, that 12-month proposal was rejected by a vote of 49 to 43. That was the key vote. The Hatfield proposal was defeated by a vote of 67 to 23. That was an overwhelming decision. The 18-month amendment was passed on and that was highly unsatisfactory. So it is clearly established that the Senate thinks the real issue here is whether the extension should be for 1 year or for 2 years. The extension provided in the committee bill is for 2 years, and the 1-year proposal was in the Schweiker amendment.

The pending amendment would extend the law for 20 months. I do not know of any other amendment that is going to be offered on this subject, but we may have more amendments. We do need the law renewed and we must have the act. If we were to let it run for only 20 months it would expire on March 1, 1973.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself such additional time as I may use.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. A President will be inaugurated on January 20, 1973. It will be either President Nixon, if he is a candidate for reelection, or someone else chosen in the regular way. There will be a new Congress, a new House, coming into office on January 3, 1973, and, of course, one-third of the Senate could consist of new Members in 1973.

Everyone knows that from the time we assemble until the time of inauguration not much legislation is enacted. I cannot picture that the House would organize, have hearings on a bill like this bill, and make much headway before January 20. I cannot picture that the Senate would make much headway. So a President would be inaugurated on January 20. If it were a new man he would have a total of some 40 days to make up his mind as to what recommendation to make regarding the extension of the draft, and within that same 40 days the House of Representatives would have to hold hearings, make up its mind, bring the bill to the floor, and pass it; and the Senate would have to hold hearings, and based on whatever they decide they would bring a bill to the floor of the Senate, it would be debated and, I assume, passed, it would go to a conference with the House, come back to the floor of the Senate and be passed.

Mr. President, all of that would be done, I assume, with very determined but honest opposition. All of that would be done within 40 days, and we have been involved in debate on this bill already for 42 days under comparatively calm and settled circumstances.

Therefore, Mr. President, with all deference, this measure is unrealistic; it is impractical, it is unworkable, and I do not think there is any legislative way to get around the idea that it will be impossible, along with the new House of Representatives and Senate, to have the matter settled by the time of inauguration and then to make a determination here and have anything that is a semblance of debate.

This decision has already been made. The 18-month proposal has been rejected and the 12-month proposal has been rejected, so that is a determination that more than 12 months is needed and that more than 18 months is needed. If more than 18 months is needed—and that was an overwhelming vote—the only reasonable time to extend it would be for 24 months, which is the provision in the bill before us. That period of time would at least give Congress some time with reference to getting a bill before Congress and getting it passed in a deliberate way.

I trust the overwhelming result of this vote will be to respectfully reject the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from New York yield to me for 10 minutes?

Mr. BUCKLEY. I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I have listened to my distinguished colleague from New York and I have joined with him as a cosponsor of this amendment. I have also listened with great interest to my friend and highly respected colleague, the Senator from Mississippi, who has spoken in opposition to the amendment.

This represents the fourth attempt during this debate to limit extension of the draft to less than 2 years and I think a recap of the major amendments we have considered thus far will be useful to us all and will more clearly develop the rationale for this amendment.

The debate on the various proposals began when my amendment to extend the draft for 18 months was considered as a substitute to the Schweiker 1-year amendment. In retrospect, we did not get too many votes because we were caught at a point between those and those who did not want more than 1 year. Those in favor of the zero and 1-year amendments were committed to their positions, just as those in favor of the 2 year extension felt they had enough votes to defeat all lesser proposals. However, I felt a 2-year extension was unnecessary but that adoption of the 1-year proposal did not leave us the realistic option of extending the draft in an election year, if that should be required. I also suggested we still had a long way to go toward implementing those incentives necessary for the volunteer force. That is why I offered my amendment at that time.

The question was raised during the debate on the possibility that the time period of my amendment could cause the Congress to consider further extension during a lame duck session. I pointed out that I expected the final extension period would be resolved at about 20 months in conference, thus enabling any further extension to be considered by the 93d Congress. It is rather ironic that we have completed the full circle and today we are considering a 20-month extension.

Next, the distinguished Senator from Iowa, in concert with the distinguished Senator from Pennsylvania, offered an amendment that would have substituted the House pay proposal for the administration's pay request.

I might add that Senator HUGHES is a distinguished member of the Armed Services Committee, of which I also am a member, and I know of his genuine interest in the members of the Armed Forces. He is concerned, as I am concerned, for their well being and that they receive adequate compensation for the unselfish and valuable service they provide to our country. In particular, he expressed concern in the presentation of his amendment, and I agree, for the ridiculously low wages our recruits receive.

So my colleague from Iowa was well intentioned in trying to make this bill the very best possible, and I commend him for that. But I suggest the pay amendment was rejected, in part, because it did not quite hit the bull's-eye. If we accept the premise that the majority of this body want to see the draft ended and want to leave the manning of the Armed Forces to volunteers, then we need to ask ourselves what will it take in terms of salary to attract and retain these volunteers?

Let me digress for a moment and examine the requirement for new yearly enlisted assessions. The Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger Kelley, stated in hearings before the Armed Services Committee that 528,000 new enlisted assessions are required in fiscal year 1972 to maintain a budgeted strength of approximately 2.5 million. Of this number, Mr. Kelley estimates about 315,000 would be volunteers in any case, even in the absence of the draft and new volunteer incentives.

In other words, without the pressure of the draft, with an Armed Forces strength of about 2.5 million men, another 213,000 acceptable volunteers would be needed. I say acceptable because not all who volunteered would meet the service entrance requirements. However, the Armed Services Committee effectively reduced the fiscal year 1972 end strength to 2.4 million and if this is upheld in conference, the new enlisted as-

sessions requirement will be reduced by about 100,000. This means a shortfall of about 113,000 additional volunteers would have to be recruited to maintain the yearly enlisted assessions requirement if no volunteer incentives existed. With volunteer incentives implemented, the shortfall is estimated at between 10,000 and 30,000.

Who would these volunteers be? Most would probably be high school graduates along with others with greater or lesser educational attainments who, hopefully, would see the Armed Forces as an opportunity that offers a rewarding career with reasonable starting salary and reasonable salary progression. This is where I feel the House proposal missed the bull's-eye. If we accept the premise that the primary purpose of any raise at this time is to assure to the maximum extent possible that we can make the transition to the volunteer force, then I submit the House proposal does not provide adequate salaries to guarantee the new assessions that will be required. I think that is the primary reason the amendment was rejected.

Next, the Senate considered the amendment offered by the senior Senator from Oregon. His amendment would have allowed the draft to expire on June 30 of this year with the Armed Forces thus having to rely on volunteers to maintain strength at the required levels. This amendment was rejected 23 to 67. I was opposed to terminating the draft that soon, not because I am for the draft because I am not, but because much still needs to be done before we can move to the volunteer force. There was no way that I could see that we could rely solely on volunteers after June 30. At this time we still have no experience that will tell us the volunteer concept will work. Volunteer incentives need to be implemented first and we need to crawl before we walk. The draft must continue as we gain experience with the volunteer requirements, much like we gain experience in an R. & D. program through the use of prototypes.

If we had had at least a year's experience with all the necessary volunteer incentives in being and if those incentives had proven effective, then all of us, except maybe those who do not want a volunteer force under any circumstances, would probably have supported that amendment. As it turned out, most of us thought we were at least a year or more away from being able to rely on a volunteer force.

The Senate then debated the 1-year amendment offered by Senator SCHWEIKER, my distinguished colleague from Pennsylvania. I think there were two things that caused the rejection of this proposal. First, there was no guarantee that after July 1972 the required strength of the Armed Forces could be maintained with volunteers. At the time, it looked as though the final pay package would be a compromise between the administration proposal and the House proposal. I do not believe the majority of my colleagues thought that would have provided an adequate pay incentive for the volunteer force. Second, although my 18-month amendment was defeated, I feel that many who did not vote for my amendment did have some reservations that the Congress would extend the draft in an election year, if that should be required. And, as my distinguished chairman, Senator STENNIS, pointed out with the 1-year extension we could have ended up compromising at 18 months with the House, and then, for sure, further extension would be considered by a lame duck session.

Now the vote on Senator SCHWEIKER's amendment was close, 49 to 43, so 43 Senators, I assume, felt we could move to a volunteer force in July 1972, even with a compromise pay package, and 43 Senators, I assume felt the Congress would vote to extend the draft again in an election year or in a lameduck session, if that should be required.

The final amendment I will mention was the proposal of my most distinguished colleague and senior Senator from Colorado, Senator ALLOTT, to substitute the pay proposal of the Gates Commission in lieu of that offered by the administration. To me, the passage of this amendment meant overwhelming support for the volunteer force, because this is a pay proposal that really hits the bull's-eye. It is specifically tailored to attract the new man into the service and provides starting wages that really compete. The yearly cost of this proposal and the one offered by the House are both about $2.7 billion. Only the pay distribution schedules are different. Primarily, the Senate version provides all of the money for increases to those with under 4 years service, whereas the House version provides lesser raises to those with under 4 years service but also provides quarters allowance raises to all ranks.

Mr. President, I believe it would be useful for my colleagues to see these two proposals side by side so that they may be able to compare and understand the exact differences. Mr. President, I ask unanimous consent that both the Senate and House pay proposals be printed at the end of my remarks.

Without objection, it is so ordered. (See exhibit 1.)

The PRESIDING OFFICER. Mr. President, let me quickly summarize where we now stand. The zero draft, 1 year extension and the 18-month-extension have been rejected. The house pay proposal has been rejected. But the Gates Commission pay proposal has been passed.

Armed with this pay proposal we are now in a strong position to move to the volunteer force. So I ask Mr. President, why do we need to extend the draft for 2 years?

The 20-month proposal offers something that the majority of this body can accept.

For those who wanted no draft extension or a 1 year extension or even an 18 month extension it offers an alternative of less than 2 years. They can accept this amendment as one that will end the draft as soon as practicable, will allow time to verify that the pay package is adequate and will allow adequate time for the Department of Defense to implement those other necessary volunteer incentives. They can accept this amendment as one that will allow us to make a responsible and safe transition to the volunteer force.

Those who are in favor of a 2-year extension, if they are not against the volunteer force, can accept this amendment for the same reasons. They can also accept it because it provides the reasonable and realistic option of being able to extend the draft, if that should be required. Any further request to extend the draft would be considered by the 93d Congress, free from election pressures and the Department of Defense will have had 20 months to get on with the volunteer program and to gather data on the effectiveness of its incentives.

Mr. President, it might well be asked, does it make sense to extend the draft for just four months less than the administration requested? After all, why bother over such a short period of time? The answer, Mr. President, is straight forward. The American people want to end the draft as soon as it can be done safely. During that extra 4 months many young men could needlessly be drafted. I say needlessly because in 20 months we will know whether we can rely completely on the volunteer force. Therefore, why subject anyone to the draft beyond the point that the volunteer force can be safely implemented? That would be the case if the draft were extended for 2 years.

The passage of this amendment will prove to the American people we are adopting a realistic solution to this problem and that we do not want to see the draft continued any longer than absolutely necessary.

One final point, Mr. President. Should this amendment be accepted I would hope we could hold to 20 months in conference with the House. We will have shown them the way to move to the volunteer force a little sooner. But even a compromise at 22 months is preferable to 2 years and I suggest the American people would also prefer that.

And what of the desire of the administration. Surely they can live with this proposal. Surely they can have no objection to ending the draft in 20 months if it is proved the volunteer concept will work. Or they should have no objection to requesting extension at that time if it does not. The point is, the judgment on the feasibility of the volunteer force can be made just as well with a 20-month-test period as with 2 years.

Mr. President, everyone has something to gain by supporting this proposal because it is a realistic and workable alternative to the 2-year proposal. It puts us on safe ground all the way and at the same time shows the American people we want to end the draft at the earliest practicable date.

I urge my colleagues to give this amendment their support.

EXHIBIT 1

SENATE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,001.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.10
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.30
O-5	941.40	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.20
O-4	844.20	886.80	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30
O-3	758.10	791.70	809.10	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2	693.30	726.00	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1	612.30	648.90	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60	672.60

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 Naval of this title.

COMMISSIONED OFFICERS WITH OVER 4 YEARS' ACTIVE SERVICE AS AN ENLISTED MEMBER

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-3	0	0	0	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	0	0	0	773.10	798.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1	0	0	0	672.60	698.40	722.10	743.70	766.50	790.50	790.50	790.50	790.50	790.50	790.50

WARRANT OFFICERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90
W-3	605.70	656.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	544.20	576.60	576.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	484.80	517.20	517.20	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9 [1]	0	0	0	0	0	0	$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00
E-8	0	0	0	0	0	$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	$445.80	$478.50	$496.20	$513.60	$531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	411.30	431.70	448.80	463.20	480.30	497.40	514.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50	505.50	505.50	505.50	505.50	505.50
E-4	352.80	370.50	387.90	405.30	421.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20	430.20
E-3	336.90	353.40	367.80	384.00	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40	392.40
E-2	320.70	336.60	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70	353.70
E-1	310.80	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40	326.40
E-1 (under 4 months)	301.50	0	0	0	0	0	0	0	0	0	0	0	0	0

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

COMMISSIONED OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,111.40	$2,185.80	$2,185.80	$2,185.80	$2,185.80	$2,269.50	$2,269.50	$2,443.50	$2,443.50	$2,618.40	$2,618.40	$2,793.30	$2,793.30	$2,967.60	$2,967.60
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,260.50	2,443.50	2,443.50	2,618.40	2,618.41
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.00	2,361.00
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.60	2,052.60
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463 10	1,537.80	1,571.10	1,662.60	1,803.30	1,803.30
O-5	834.60	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.10	1,471.20	1,471.20
O-4	704.10	856.50	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-3 [2]	654.30	731.10	781.20	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80
O-2 [2]	570.30	622.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30
O-1 [2]	495.00	515.40	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80	622.80

[1] While service as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

HOUSE PROPOSAL—Continued

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under section 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$864.90	$906.00	$938.70	$989.10	$1,038.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30	$1,080.30
O-2	773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40	914.40
O-1	622.80	665.10	690.00	714.60	739.80	773.10	773.10	773.10	773.10	773.10	773.10	773.10

WARRANT OFFICERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 3
W-4	$666.30	$714.60	$714.60	$731.10	$764.40	$798.00	$831.00	$889.80	$930.60	$963.90	$989.10	$1,022.10	$1,056.00	$1,137.90	$1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	746.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80	838.80
W-1	441.90	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20	748.20

ENLISTED MEMBERS

Pay grade	Years of service computed under section 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]							$756.90	$774.30	$792.00	$809.70	$827.70	$843.90	$888.60	$975.00	$975.00
E-8						$635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90	870.90
E-7	$443.40	$478.50	$496.20	$513.60	$531.60	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60	783.60
E-6	382.80	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50	574.50
E-5	336.30	366.00	383.70	400.50	462.60	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	323.40	341.40	361.20	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	311.10	328.20	341.10	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60	354.60
E-2	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10	299.10
E-1	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50	268.50

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185, regardless of cumulative years of service computed under section 205 of this title.

HOUSE PROPOSAL

Basic allowance for subsistence:	
Officers	$48.00 a month.
Enlisted members authorized to mess separately	$48.00 a month.
Enlisted members when rations in kind are not available	$3.45 a day.

BASIC ALLOWANCE FOR QUARTERS

Pay grade	Without dependents	With dependents
O-10	$271.20	$339.00
O-9	271.20	339.00
O-8	271.20	339.10
O-7	271.20	339.00
O-6	249.30	303.90
O-5	233.40	281.10
O-4	210.30	253.50
O-3	186.30	230.10
O-2	163.20	206.70
O-1	128.10	166.50
W-4	202.80	244.50
W-3	182.70	225.60
W-2	161.40	204.30
W-1	145.80	189.30
E-9	153.90	216.90
E-8	143.70	202.50
E-7	123.30	189.90
E-6	112.80	176.40
E-5	109.20	163.20
E-4 (over 4 years' service)	96.00	143.10
E-4 (4 years' or less service)	96.00	143.10
E-3	85.20	120.00
E-2	75.60	105.00
E-1	70.20	105.00

Mr. BUCKLEY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BUCKLEY. I yield myself 5 minutes for a short closing statement. After that I shall be prepared to yield back the balance of my time.

I am very glad the Senator from Colorado pointed out the very significant situation we face today in contrast to the situation faced by the Senate during the consideration of earlier amendments calling for various extensions of time.

I would also point out that in voting on two of those extensions; namely, the 18-month extension and the 1-year extension, before the Allott pay boost amendment had been adopted, a total of 50 Senators, one-half of this body, registered their belief in the feasibility of the all-voluntary system. For one reason or another, however, they did not see fit to register a flat success on one or the other of the amendments.

In any event, the new situation we face at this time is that the whole pay package recommended by the Gates Commission has been adopted, and that makes it clear that, within the time period we are talking about, the achievement of the great goal of an all-volunteer force is in fact a feasible and achievable objective.

As I indicated in my earlier remarks, I think that we have another consideration beyond that of the feasibility of the all-voluntary concept which ought to guide our action at this time, and this may be perhaps symbolic in importance. Yet symbolism is of vital importance in life, and I believe in fact the antimilitarism that has grown up in this country is due in large part to the continuation of the draft; that this antimilitarism as a symbolism is as great an obstacle to taking appropriate measures to assure our national security as is the debate on this floor.

I therefore urge my colleagues to consider seriously the favorable impact on the country if Congress were at this time to come out in an unmistakable way, an unequivocal way, and express its confidence in the achievability of all volunteer forces, the feasibility of phasing out our draft within this 20-month period, and the ability of our Nation to move to this goal without unduly weakening our military forces or jeopardizing our national security.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, the pending amendment, offered by the distinguished Senator from New York (Mr. BUCKLEY) would extend the draft 20 months rather than the 24 months requested by the administration and approved by the Armed Services Committee.

The Senator from New York indicates that the intent of his amendment is to demonstrate that the Senate supports an all-volunteer armed force at the earliest possible time.

Mr. President, I am opposed to this amendment because there is no evidence to support the belief that this Nation can maintain minimum manpower levels without the draft for the next 2 years.

There is serious doubt in my mind as to whether the Nation can maintain the necessary levels after July 1, 1973, should a future Congress fail to extend the Selective Service Act.

Also, it is my view that administrative problems would ensue if the draft were ended in the middle of a fiscal year as this amendment would provide.

In May the Senate rejected by a vote of 67 to 8 an amendment which would extend the draft 18 months. This amendment would extend it 20 months. There is only 2 months difference between dates set by these two amendments.

Mr. President, I recognize the good intentions of the Senator from New York but I feel his amendment would place upon the country an unnecessary risk in maintaining minimum military manpower levels.

For this and other reasons I have cited, it is my hope the Senate will reject this amendment.

The PRESIDING OFFICER. Does the Senator from Mississippi yield back his time?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. All remaining time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, how much time remained to the Senator from Mississippi (Mr. STENNIS), which was yielded back?

The PRESIDING OFFICER. Thirteen minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that that time be restored to me momentarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time on the amendment has been yielded back.

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Tennessee would vote "nay".

The result was announced—yeas 35, nays 48, as follows:

[No. 98 Leg.]

YEAS—35

Aiken	Hart	Pearson
Bayh	Hartke	Pell
Beall	Humphrey	Proxmire
Buckley	Inouye	Randolph
Case	Jordan, N.C.	Ribicoff
Cook	Magnuson	Roth
Cooper	Mansfield	Stevens
Dole	Miller	Stevenson
Dominick	Mondale	Symington
Gravel	Muskie	Taft
Griffin	Packwood	Williams
Harris	Pastore	

NAYS—48

Allen	Eastland	McGee
Allott	Ellender	McIntyre
Anderson	Ervin	Metcalf
Bellmon	Fannin	Montoya
Bennett	Fong	Moss
Bentsen	Gambrell	Percy
Bible	Goldwater	Saxbe
Boggs	Gurney	Schweiker
Burdick	Hansen	Smith
Byrd, Va.	Hatfield	Sparkman
Byrd, W. Va.	Hollings	Stennis
Cannon	Hruska	Talmadge
Cotton	Jordan, Idaho	Thurmond
Cranston	Kennedy	Tower
Curtis	Long	Weicker
Eagleton	McClellan	Young

NOT VOTING—17

Baker	Hughes	Nelson
Brock	Jackson	Prouty
Brooke	Javits	Scott
Chiles	Mathias	Spong
Church	McGovern	Tunney
Fulbright	Mundt	

So Mr. BUCKLEY's amendment (No. 149) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

PROPOSED SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92–131)

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Government Operations:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotic deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional $155 million to carry out these steps. This will provide a total of $371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse.

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from $30 a day to $100 a day. This is $210 to $700 a week, or $10,000 a year to over $36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than $2 billion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still not moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies

involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American lifestream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort suceed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives and priorities, carry out programs through other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic red tape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under inter-agency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance instead of hoping for it. Agencies would receive money based on performance and their retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would

be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous application of the fullest penalties provided by law are two of the steps in rendering narcotics trade unprofitable. But as long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

To do this, I am asking the Congress for a total of $105 million in addition to funds already contained in my 1972 budget to be used solely for the treatment and rehabilitation of drug-addicted individuals.

I will also ask the Congress to provide an additional $10 million in funds to increase and improve education and training in the field of dangerous drugs. This will increase the money available for education and training to more than $24 million. It has become fashionable to suppose that no drugs are as dangerous as they are commonly thought to be, and that the use of some drugs entails no risk at all. These are misconceptions, and every day we reap the tragic results of these misconceptions when young people are "turned on" to drugs believing that narcotics addiction is something that happens to other people. We need an expanded effort to show that addiction is all too often a one-way street beginning with "innocent" experimentation and ending in death. Between these extremes is the degradation that addiction inflicts on those who believed that it could not happen to them.

While by no means a major part of the American narcotics problem, an especially disheartening aspect of that problem involves those of our men in Vietnam who have used drugs. Peer pressures combine with easy availability to foster drug use. We are taking steps to end the availability of drugs in South Vietnam but, in addition, the nature of drug addiction, and the peculiar aspects of the present problem as it involves veterans, make it imperative that rehabilitation procedures be undertaken immediately. In Vietnam, for example, heroin is cheap and 95 percent pure, and its effects are commonly achieved through smoking or "snorting" the drug. In the United States, the drug is impure, consisting of only about 5 percent heroin, and it must be "mainlined" or injected into the bloodstream to achieve an effect comparable to that which may have been experienced in Vietnam. Further, a habit which costs $5 a day to maintain in Vietnam can cost $100 a day to maintain in the United States, and those who continue to use heroin slip into the twilight world of crime, bad drugs, and all too often a premature death.

In order to expedite the rehabilitation process of Vietnam veterans, I have ordered the immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam. This procedure is under way and testing will commence in a matter of days. The Department of Defense will provide rehabilitation programs to all servicemen being returnd for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotics addict. All of our servicemen must be accorded the right to rehabilitation.

Rehabilitation procedures, which are required subsequent to discharge, will be effected under the aegis of the Director of the Special Action Office who will have the authority to refer patients to private hospitals as well as VA hospitals as circumstances require.

The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

I am asking the Congress to increase the present budget of the Veterans Administration by $14 million to permit the immediate initiation of this program. This money would be used to assist in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting.

I am also asking that the Congress amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority under this act for the use of methadone maintenance programs. These programs would be carried out under the most rigid standards and would be subjected to constant and painstaking reevaluation of their effectiveness. At this time, the evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Finally, I will instruct the Special Consultant for Narcotics and Dangerous Drugs to review immediately all Federal laws pertaining to rehabilitation and I will submit any legislation needed to expedite the Federal rehabilitative role, and to correct overlapping authorities and other shortcomings.

ADDITIONAL ENFORCEMENT NEEDS

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides a sound base for the attack on the problem of the availability of narcotics in America. In addition to tighter and more enforceable regulatory controls, the measure provides law enforcement with stronger and better tools. Equally important, the act contains credible and proper penalties against violators of the drug law. Severe punishments are invoked against the drug pushers and peddlers while more lenient and flexible sanctions are provided for the users. A seller can receive fifteen years for a first offense involving hard narcotics, thirty years if the sale is to a minor, and up to life in prison if the transaction is part of a continuing criminal enterprise.

These new penalties allow judges more discretion, which we feel will restore credibility to the drug control laws and eliminate some of the difficulties prosecutors and judges have had in the past arising out of minimum mandatory penalties for all violators.

The penalty structure in the 1970 Drug Act became effective on May 1 of this year. While it is too soon to assess its effect, I expect it to help enable us to deter or remove from our midst those who traffic in narcotics and other dangerous drugs.

To complement the new Federal drug law, a uniform State drug control law has been drafted and recommended to the States. Nineteen States have already adopted it and others have it under active consideration. Adoption of this uniform law will facilitate joint and effective action by all levels of government.

Although I do not presently anticipate a necessity for alteration of the purposes or principles of existing enforcement statutes, there is a clear need for some additional enforcement legislation.

To help expedite the prosecution of narcotic trafficking cases, we are asking the Congress to provide legislation which would permit the United States Government to utilize information obtained by foreign police, provided that such information was obtained in compliance with the laws of that country.

We are also asking that the Congress provide legislation which would permit a chemist to submit written findings of his analysis in drug cases. This would speed the process of criminal justice.

The problems of addict identification are equalled and surpassed by the problem of drug identification. To expedite work in this area of narcotics enforcement, I am asking the Congress to pro-

vide $2 million to be allotted to the research and development of equipment and techniques for the detection of illegal drugs and drug traffic.

I am asking the Congress to provide $2 million to the Department of Agriculture for research and development of herbicides which can be used to destroy growths of narcotics-producing plants without adverse ecological effects.

I am asking the Congress to authorize and fund 325 additional positions within the Bureau of Narcotics and Dangerous Drugs to increase their capacity for apprehending those engaged in narcotics trafficking here and abroad and to investigate domestic industrial producers of drugs.

Finally, I am asking the Congress to provide a supplemental appropriation of $25.6 million for the Treasury Department. This will increase funds available to this Department for drug abuse control to nearly $45 million. Of this sum, $18.1 million would be used to enable the Bureau of Customs to develop the technical capacity to deal with smuggling by air and sea, to increase the investigative staff charged with pursuit and apprehension of smugglers, and to increase inspection personnel who search persons, baggage, and cargo entering the country. The remaining $7.5 million would permit the Internal Revenue Service to intensify investigation of persons involved in large-scale narcotics trafficking.

These steps would strengthen our efforts to root out the cancerous growth of narcotics addiction in America. It is impossible to say that the enforcement legislation I have asked for here will be conclusive—that we will not need further legislation. We cannot fully know at this time what further steps will be necessary. As those steps define themselves, we will be prepared to seek further legislation to take any action and every action necessary to wipe out the menace of drug addiction in America. But domestic enforcement alone cannot do the job. If we are to stop the flow of narcotics into the lifeblood of this country, I believe we must stop it at the source.

INTERNATIONAL

There are several broad categories of drugs: those of the cannabis family—such as marihuana and hashish; those which are used as sedatives, such as the barbiturates and certain tranquilizers; those which elevate mood and suppress appetite, such as the amphetamines; and, drugs such as LSD and mescaline, which are commonly called hallucinogens. Finally, there are the narcotic analgesics, including opium and its derivatives—morphine and codeine. Heroin is made from morphine.

Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

To wage an effective war against heroin addiction, we must have international cooperation. In order to secure such cooperation, I am initiating a worldwide escalation in our existing programs for the control of narcotics traffic, and I am proposing a number of new steps for this purpose.

First, on Monday, June 14, I recalled the United States Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam, and the United Nations for consultations on how we can better cooperate with other nations in the effort to regulate the present substantial world opium output and narcotics trafficking. I sought to make it equally clear that I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments. We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

Second, United States Ambassadors to all East Asian governments will meet in Bangkok, Thailand, tomorrow, June 18, to review the increasing problem in that area, with particular concern for the effects of this problem on American servicemen in Southeast Asia.

Third, it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies. I will propose that as an international goal. It is essential to recognize that opium is, at present, a legitimate source of income to many of those nations which produce it. Morphine and codeine both have legitimate medical applications.

It is the production of morphine and codeine for medical purposes which justifies the maintenance of opium production, and it is this production which in turn contributes to the world's heroin supply. The development of effective substitutes for these derivatives would eliminate any valid reason for opium production. While modern medicine has developed effective and broadly-used substitutes for morphine, it has yet to provide a fully acceptable substitute for codeine. Therefore, I am directing that Federal research efforts in the United States be intensified with the aim of developing at the earliest possible date synthetic substitutes for all opium derivatives. At the same time I am requesting the Director General of the World Health Organization to appoint a study panel of experts to make periodic technical assessments of any synthetics which might replace opiates with the aim of effecting substitutions as soon as possible.

Fourth, I am requesting $1 million to be used by the Bureau of Narcotics and Dangerous Drugs for training of foreign narcotics enforcement officers. Additional personnel within the Bureau of Narcotics and Dangerous Drugs would permit the strengthening of the investigative capacities of BNDD offices in the U.S., as well as their ability to assist host governments in the hiring, training, and deployment of personnel and the procurement of necessary equipment for drug abuse control.

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Humanitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking. The drug problem crosses ideological boundaries and surmounts national differences. If we are barred in any way in our effort to deal with this matter, our efforts will be crippled, and our will subject to question. I intend to leave no room for other nations to question our commitment to this matter.

Sixth, we must recognize that cooperation in control of dangerous drugs works both ways. While the sources of our chief narcotics problem are foreign, the United States is a source of illegal psychotropic drugs which afflict other nations. If we expect other governments to help stop the flow of heroin to our shores, we must act with equal vigor to prevent equally dangerous substances from going into their nations from our own. Accordingly, I am submitting to the Senate for its advice and consent the Convention on Psychotropic Substances which was recently signed by the United States and 22 other nations. In addition, I will submit to the Congress any legislation made necessary by the Convention including the complete licensing, inspection, and control of the manufacture, distribution, and trade in dangerous synthetic drugs.

Seventh, the United States has already pledged $2 million to a Special Fund created on April 1 of this year by the Secretary General of the United Nations and aimed at planning and executing a concerted UN effort against the world drug problem. We will continue our strong backing of UN drug-control efforts by encouraging other countries to contribute and by requesting the Congress to make additional contributions to this fund as their need is demonstrated.

Finally, we have proposed, and we are strongly urging multilateral support for, amendments to the Single Convention on Narcotics which would enable the International Narcotics Control Board to:

—require from signatories details about opium poppy cultivation and opium production—thus permitting the Board access to essential information about narcotics raw materials from which illicit diversion occurs;

—base its decisions about the various nations' activities with narcotic drugs not only as at present on information officially submitted by the governments, but also on information which the Board obtains through public or private sources—thus enhancing data available to the Board in regard to illicit traffic;

—carry out, with the consent of the nation concerned, on-the-spot inquiries on drug related activities;

—modify signatories' annual estimates of intended poppy acreage and opium production with a view to reducing acreage or production; and

—in extreme cases, require signatories to embargo the export and/or import of drugs to or from a particular country that has failed to meet its obligations under the Convention.

I believe the foregoing proposals establish a new and needed dimension in the international effort to halt drug produc-

tion, drug traffic, and drug abuse. These proposals put the problems and the search for solutions in proper perspective, and will give this Nation its best opportunity to end the flow of drugs, and most particularly heroin, into America, by literally cutting it off root and branch at the source.

CONCLUSION

Narcotics addiction is a problem which afflicts both the body and the soul of America. It is a problem which baffles many Americans. In our history we have faced great difficulties again and again, wars and depressions and divisions among our people have tested our will as a people—and we have prevailed.

We have fought together in war, we have worked together in hard times, and we have reached out to each other in division—to close the gaps between our people and keep America whole.

The threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors. It is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs. We must try to better understand the confusion and disillusion and despair that bring people, particularly young people, to the use of narcotics and dangerous drugs.

We are not without some understanding in this matter, however. And we are not without the will to deal with this matter. We have the moral resources to do the job. Now we need the authority and the funds to match our moral resources. I am confident that we will prevail in this struggle as we have in many others. But time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1971.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate a message from the President of the United States submitting the nomination of Aldon J. Anderson, of Utah, to be a U.S. District Judge for the District of Utah, which was referred to the Committee on the Judiciary.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 120

Mr. KENNEDY. Mr. President, I call up my amendment No. 120 and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The legislative clerk read as follows:

On page 32, between lines 20 and 21, insert the following:

"(30) Section 13(b) is amended by adding at the end thereof the following: 'Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.' "

Renumber paragraphs (30), (31), and (32) of section 101(a) of the bill as paragraphs (31), (32), and (33), respectively.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, for the information of the Senate, I do not think we are going to need the full amount of time allocated under the unanimous-consent agreement. For the purpose of notification I think we can dispose of this matter in approximately one-half hour, or perhaps less, depending upon the attitude of the chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, may we have order so that we may hear the full explanation with the legislative background.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, the amendment which I have called up is rather simple but I feel it is an important amendment.

The amendment provides that selective service regulations be published in the Federal Register and that there be a 30-day period afforded interested parties to file written comments with the director.

It should be clearly understood at the outset, that this amendment in no way mandates hearings or other administrative proceedings that might be unduly burdensome for the Selective Service System. Although most other Federal agencies are liable under the Administrative Practices Act to publication, comment, hearing and other procedural requirements, the Selective Service System has been exempt from all but the public information section of that act.

What this amendment proposes is that all regulations issued for the Selective Service System be published in the Federal Register 30 days before their effective date. During that time, the Director would have the benefit of the comments of legal and academic scholars in the field of Selective Service affairs.

Prepublication would allow a variety of significant new inputs into the system of prime concern would be legal analysis that might help the system to operate more effectively than it currently does.

First, there exists the possibility that a regulation is unauthorized by the act and thus legally unenforceable. A competent opinion to this effect submitted to the Director might result in either the alteration or retraction of the proposed regulation.

Perhaps the foremost example is the delinquency, regulation No. 1642. I ask unanimous consent to have this regulation printed in the RECORD.

There being no objection, the regulation was ordered to be printed in the RECORD, as follows:

PART 1642—DELINQUENTS

GENERAL

1642.1 Regulations Governing Delinquents.—Delinquents, as defined in section 1602.4 of this chapter shall be governed by the provisions of this part and such other provisions of the Selective Service Regulations as are not in conflict therewith.

1642.2 Continuing Duty.—When it becomes the duty of a registrant or other person to perform an act or furnish information to a local board or other office or agency of the Selective Service System, the duty or obligation shall be a continuing duty or obligation from day to day and the failure to properly perform the act or the supplying of incorrect or false information shall in no way operate as a waiver of that continuing duty.

1642.3. Compliance With Procedures of This Part Not Condition Precedent to Prosecution.—Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by the regulations in this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Military Selective Service Act of 1967.

1642.4 Declaration of Delinquency Status and Removal Therefrom.—(a) Whenever a registrant has failed to perform any duty or duties required of him under the selective service law other than the duty to comply with an Order to Report for Induction (SSS Form 252) or the duty to comply with an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board may declare him to be a delinquent.

(b) When the local board declares a registrant to be a delinquent, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall complete a Delinquency Notice (SSS Form 304), in duplicate, setting forth the duty or duties which the registrant has failed to perform. The local board shall mail the original to the registrant at his last known address and file the copy in his Cover Sheet (SSS Form 101).

(c) A registrant who has been declared to be a delinquent may be removed from that status by the local board at any time. When the local board removes a registrant from delinquency status, it shall enter a record of such action and the date thereof on the registrant's Classification Questionnaire (SSS Form 100) and shall advise the registrant of such removal by letter a copy of which shall be filed in his Cover Sheet (SSS Form 101).

CLASSIFICATION AND INDUCTION OF DELINQUENTS

1642.10 Restriction on Classification and Induction of Delinquents.—No delinquent registrant shall be placed in Class I-A, Class I-A-O, or Class I-O under the provisions of section 1642.12 or shall be ordered to report for induction under the provisions of section 1642.13 or section 1631.7 of this chapter, or, in the case of a conscientious objector opposed to noncombatant training and service, ordered to report for civilian work in lieu of induction, unless the local

board has declared him to be a delinquent in accordance with the provisions of section 1642.4 and thereafter has not removed him from such delinquency status.

1642.11 Registration and Classification of Unregistered Delinquent registrant between the ages of 18 years and 6 months not registered reports or is brought before a local board, he shall be registered in the normal manner, except that if the local board with which he registers determines that because of his delay in registering he should be declared to be a delinquent under the provisions of section 1642.4 and processed for induction as a delinquent, the local board may enter in item 2 of the Registration Card (SSS Form 1) an address within its jurisdiction. If the local board makes such determination and retains jurisdiction of the registrant, it shall, as soon as possible after his registration, declare the registrant to be a delinquent and classify him as provided in section 1642.12.

1642.12 Classification of Delinquent Registrant.—Any delinquent registrant between the ages of 18 years and 6 months and 26 years and any delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and any delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provision of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, may be classified in or reclassified into Class I–A, Class I–A–O or Class I–O, whichever is applicable, regardless of other circumstances: *Provided*. That a delinquent registrant who by reason of his service in the Armed Forces is eligible for classification into Class IV–A may not be classified or reclassified into Class I–A, Class I–A–O or Class I–O under this section unless such action is specifically authorized by the Director of Selective Service.

1642.13 Certain Delinquents to Be Ordered to Report for Induction.—The local board shall order each delinquent registrant between the ages of 18 years and 6 months and 26 years and each delinquent registrant between the ages of 26 and 28 who was deferred under the provisions of section 6(c)(2)(A) of the Military Selective Service Act of 1967 which were in effect prior to September 3, 1963, and each delinquent registrant between the ages of 26 and 35 who on June 19, 1951, was, or thereafter has been or may be, deferred under any other provisions of section 6 of such Act, including the provisions of subsection (c)(2)(A) in effect on and after September 3, 1963, who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in section 1631.7 of this chapter, or in the case of a delinquent registrant classified or reclassified into Class I–O, the local board shall determine the type of civilian work it is appropriate for him to perform and shall order him to perform such civilian work in lieu of induction in accordance with the provisions of Part 1660 of this chapter, unless in either case (a) it has already issued such order, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction or civilian work.

1642.14 Personal Appearance, Reopening, and Appeal.—(a) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part may be reopened at any time before induction or before the date he is to report for civilian work in the discretion of the local board without regard to the restrictions against reopening prescribed in section 1625.2 of this chapter.

(c) When a delinquent registrant is classified in or reclassified into Class I–A, Class I–A–O or Class I–O under the provisions of this part, an appeal may be taken under the same circumstances and by the same persons as in any other case.

1642.15 Continuous Duty of Certain Registrants to Report for Induction.—Regardless of the time when or the circumstances under which a registrant fails or has failed to report for induction pursuant to an Order to Report for Induction (SSS Form 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form 253), or fails or has failed to report for civilian work in lieu of induction pursuant to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), it shall thereafter be his continuing duty from day to day to report for induction or for civilian work in lieu of induction to his own local board, and to each local board, whose area he enters or in whose area he remains.

DELIVERY OF DELINQUENT REGISTRANTS

1642.21 Procedure.—(a) If a delinquent registrant reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board and that he will be inducted if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(b) If the registrant's own local board advises or if it is ascertained from the United States Department of Justice that the registrant is delinquent because he has failed to respond to an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253), the delinquent shall be delivered for induction and the local board to which the registrant has reported or before which he has been brought shall prepare such papers as may be necessary in order to effect such induction and forward copies thereof to the registrant's own local board. The induction of such a registrant shall be reported to the registrant's own local board in the same manner as if the registrant had been transferred for delivery to the local board from which such registrant was inducted.

(c) If a delinquent registrant who is in Class I–O reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board, and that he will be ordered under the provisions of Part 1660 to perform civilian work deemed appropriate by such local board for the registrant to perform in lieu of induction, if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(d) If the registrant's own local board advises that the registrant is delinquent because he has failed to respond to an Order to Report for Civilian Work and Statement of Employer (SSS Form 153), the local board at which the registrant appeared or was brought shall issue to him written instructions regarding the date and place he is to report for work and the type of work he is to perform. Whenever necessary, travel, meals and lodging may be furnished the registrant under the provisions of section 1660.21(b) of this chapter.

(e) If the registrant's own local board advises that no Order to Report for Induction (SSS Form 252) or Order for Transferred Man to Report for Induction (SSS Form 253) or Order to Report for Civilian Work and Statement of Employer (SSS Form 153) has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

MEN IN CUSTODY

1642.31 Completing Records of Man Liable for Training and Service.—(a) Provided they are required and have not already been accomplished, the following steps shall be taken in connection with every man who has registered or who is required to register under the provisions of the Military Selective Service Act of 1967 immediately upon his reporting to or being brought before a local board or immediately upon his being taken into custody or his being placed in confinement:

(1) He shall be registered; provided, that any law enforcement official or any other authorized person may act as registrar.

(2) He shall complete his Classification Questionnaire (SSS Form 100).

(3) He shall complete his Special Form for Conscientious Objector (SSS Form 150), when applicable.

(4) He shall complete all other necessary forms.

(5) He may be physically examined.

(b) If such a man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a member or clerk of a local board or the superintendent, warden, or other law enforcement official from information gained by interviewing the delinquent and from other sources.

(c) If the signature of such man is required upon any form after it is filled out and he is unable or refuses to sign his name or make his mark upon any such form, a member or clerk of a local board or the superintendent, warden, or other law enforcement official shall sign such man's name and indicate that he has done so by signing his own name beneath the name of such man. The act of a member or clerk of a local board, or of the superintendent, warden, or other law enforcement official in so doing shall have the same force and effect as if such man had signed his name to such form.

1642.32 Obligation of Man in Custody, Confinement, or Imprisonment.—No man is relieved from complying with the selective service law during the time he is in custody, confinement, or imprisonment. He shall perform the duties and shall be accorded the rights and privileges of all registrants.

1642.33 Obligation of Man After Release From Custody, Confinement, or Imprisonment.—When a man is released from custody, confinement, or imprisonment, he shall immediately advise his local board of that fact and shall perform the duties and be accorded the rights and privileges of all registrants. This applies equally to a man taken into custody, confined, or imprisoned for a violation of the selective service law and to a man taken into custody, confined, or imprisoned for any other cause.

RECORDS AND REPORTS OF DELINQUENTS

1642.41 Report of Delinquent to United States Attorney.—(a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form 252) or an Order for Transferred Man to Report for Induction (SSS Form 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form 301); provided that if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form 301) shall be placed in the delinquent's Cover Sheet (SSS

Form 101). The local board may report any other delinquent registrant to the United States Attorney by letter stating all the circumstances. A copy of such letter shall be placed in the delinquent's Cover Sheet (SSS Form 101).

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (SSS Form 1), or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event shall the local board order or participate in the arrest of a delinquent.

(c) Whenever the local board suspects a person, other than one of its own registrants, of being a delinquent, it shall, upon its own motion or upon request of the United States Attorney, advise such person by letter that he is suspected of being a delinquent and directing him to submit to the local board evidence concerning his selective service status. It shall be the duty of the person to whom such a letter is mailed to present such evidence to the local board and, if directed to do so, to appear personally before the local board. Unless the local board is convinced that such person is not delinquent, it shall report the facts to the United States Attorney by letter.

1642.42 Local Board Action Subsequent to Reporting a Delinquent to United States Attorney.—(a) After a delinquent has been reported to the United States Attorney, it is the responsibility of the United States Attorney to determine, subject to the supervision and direction of the Attorney General, whether the delinquent shall be prosecuted. Before permitting a delinquent who has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) to be inducted, the local board should obtain the views of the United States Attorney concerning such action.

(b) After a delinquent has been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301) the local board shall promptly advise the United States Attorney by letter when:

(1) The local board receives any additional information which (i) may be of assistance in locating the delinquent,

(ii) has been requested by the United States Attorney, or

(iii) may assist the United States Attorney in determining whether prosecution is warranted; or

(2) The local board has taken any action with reference to the classification or status of the registrant.

1642.43 United States Attorney to Advise Final Disposition.—The State Director of Selective Service shall request the United States Attorney to advise the local board concerned promptly by letter when he finally disposes of a case which has been reported to him on Delinquent Registrant Report (SSS Form 301).

1642.44 Local Board Record of Delinquents.—(a) The local board shall open and maintain a Record of Delinquent's (SSS Form 302), listing thereon all currently delinquent registrants including both those who have been reported and those who have not been reported to the United States Attorney on Delinquent Registrant Report (SSS Form 301). A person suspected of being an unregistered delinquent shall not be entered upon such report unless and until his registration has been accomplished. On the last day of March, June, September, and December the local board shall forward one copy of the Record of Delinquents (SSS Form 302) to the State Director of Selective Service having jurisdiction over the area in which such local board is located.

(b) On the last day of March, June, September, and December the local board shall post a copy of the current Record of Delinquents (SSS Form 302) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

1642.46. State Record of Delinquents.—The State Director of Selective Service shall prepare a Summary of Delinquencies (SSS Form 303) on or before the 15th day of January, April, July, and October and forward one copy to the Director of Selective Service, Washington, D.C.

Mr. KENNEDY. Mr. President, this regulation explicitly provides for the punitive induction of registrants who are remiss in their duties.

These regulations were declared invalid by the Supreme Court in 1970 in *Gutkneckt* v. *U.S.* (396 U.S. 295). There the Court stated:

Nothing in the 1948 Act or in any prior Act makes reference to delinquency or delinquents. The regulations purport to issue under the authority of § 10 of the 1948 Act. Section 10, however, relates neither to selection (§ 5) nor to deferments and exemptions (§ 6), but simply to the administration of the act as delegated to the President. . . .

Again, however, there is nothing to indicate that Congress authorized the Selective Service System to reclassify exempt or deferred registrants for punitive purposes and to provide for accelerated induction of delinquents. Rather, the Congress reaffirmed its intention under § 12 (50 U.S.C. App. § 462 (1964 ed., Supp. IV)), to punish delinquents through the criminal law. . . .

The power under the regulations to declare a registrant "delinquent" has no statutory standard or even guidelines. The power is exercised entirely at the discretion of the local board. It is a broad, roving authority, a type of administrative absolutism not congenial to our law-making traditions. . . .

Where the liberties of the citizen are involved, we said that "we will construe narrowly all delegated powers that curtail or dilute them . . .

The director of selective service described the "delinquency" regulations as designed "to prevent, wherever possible, prosecutions for minor infractions of rules" during the selective service processing . . .

We search the act in vain for any clues that congress desired the act to have punitive sanctions apart from the criminal prosecutions specifically authorized. Nor do we read it as granting personal privileges that may be forfeited for transgressions that affront the local board. If federal or state laws are violated by registrants, they can be prosecuted . . .

If induction is to be substituted for these prosecutions, a vast rewriting of the act is needed . . .

Standards would be needed by which the legality of a declaration of "delinquency" could be judged.

And the regulations, when written, would be subject to the customary inquiries as to infirmities on their face or in their application, including the question whether they were used to penalize or punish the free exercise of constitutional rights.

This decision affected over 100 cases and resulted in numerous convictions under the act being invalidated. In addition, disruptions resulted in the military itself since several men had to be released from the Army on these grounds.

This is a classic example of the closed nature of the selective service regulatory system working against itself. In an attempt to avoid delays, the Selective Service System has opened itself to litigation and controversy through the issuance of illegal and unauthorized regulations.

Thus, in *Breen* v. *Selective Service Board* (396 U.S. 460), the Court held again that the regulations which had been issued were unauthorized and the "order for induction involved a 'clear departure by the Board from its statutory mandate.' "

A similar example of a regulation being issued which is not called for by the act involves R1622.15, which bars the I–S(C) deferment to all young men who previously held a II–S. The statute applies such a bar in the case of undergraduate II–S cases only. Yet the regulations specifically extend the prohibition to anyone who held graduate II–S deferments.

In *Marsano* v. *Laird* (412 F.2D65 (1969)), the Court found that "no statutory provision authorizes the restriction of deferments by administrative regulation explicitly granted" in regulation 1622.26.

While this matter remained unsettled, more than 50 cases surfaced around the Nation, many of which involved preinduction judicial review.

What is also particularly distressing is that we have no way to determine how many registrants had their rights denied by these regulations. Because it is supremely clear that only after most circuits had ruled the regulation invalid and enjoined the induction of any registrants entitled to the protection of the I–S(C) classification, that the Selective Service System responded. The Selective Service System acquiesced in those instances by issuing a local board memorandum which reinterpreted its regulation to with the act.

It is urgent for the Senate to understand that these are not isolated examples. The delinquency regulations were vigorously enforced prior to being ruled invalid. Similarly the case of graduate I–S(C) also involved extensive injustice to individuals.

I call the attention of my colleagues to the regulation R1622.30, which produced an identical controversy prompting a series of legal cases. Under this provision the fatherhood deferment classification was denied to all former holders of a II–S. Only after court action, only after lengthy delays and only after substantial injustices—were these regulations reversed.

Let me caution my colleagues that each of these situations might have been avoided had the regulations been open to comment prior to their becoming effective. If the director had access to outside legal comments, the regulations might have been withdrawn or suitably modified, resulting in a tremendous saving of time, effort, and legal fees.

There is a second category of regulation which could be affected by prepublication and comment to help the system operate more effectively. Regulations have been issued which, while not being illegal in the sense of being unauthorized, are so ambiguous as to compel resolution by means of litigation.

The Subcommittee on Administrative Practices of the Senate Judiciary Committee held hearings on the operation of the Selective Service System in 1969. At that time, numerous witnesses, including Thomas P. Alder, director and president of the Public Law Education Institute, testified to the "ambiguities and outright errors which are not caught in the rulemaking process—by failing to take comments on proposed regulations, the system has given registrants not only good reason to seek a day in court, but often good grounds as well."

The committee also heard evidence of the impact of the ambiguous regulations on increasing the burden of the local boards. Marshall Commission members and consultants cited the 2,265 State directives issued in the first 9 months of 1966 as an example of the difficult situation forced on local boards.

The ambiguity of national regulations prompted the need for additional directives on the State level, directives which not only are frequently denied the public but which add to the frustrations of local board members.

The lack of clarity in national regulations and the difficulties presented to both the registrant and to the system itself, prompted the subcommittee to recommend in its report:

> One method of insuring more effective national standards is to require selective service to solicit comments on its regulations before they are issued permanently . . . if selective service adopted this procedure, it might obviate the need for constant flow of memoranda and advice from national headquarters which often confuse more than clarify. The subcommittee recommends, therefore, that all selective service regulations be issued in proposed form, and that comments be solicited before the regulations are permanently issued.

The kind of ambiguous regulations which we are discussing are those like R1625.2, which prohibits postinduction order reopening of a classification unless the registrant demonstrates a "change of circumstances beyond his control" the lack of certainty in this language produced nearly 200 cases in a 5 year period, with circuit courts divided on the subject.

Many registrants refused induction in good faith to test how courts would interpret this ambiguous regulation. Under a recent Supreme Court ruling, most of them are bound for jail. But the disturbing aspect of this situation is that the lack of clarity in this regulation prompts an individual to question its validity.

The practice of issuing selective service regulations unilaterally is neither common in other Federal agencies nor is it conducive to efficient and just results.

It seems strange that the Internal Revenue Service is able not only to provide for comments on its proposed regulations but is also able to satisfy the demands of administrative fairness in its hearing process. Other agencies such as the Atomic Energy Commission, the Environmental Protection Agency, the Department of Transportation, the Department of Health, Education, and Welfare, the Food and Drug Administration and a host of others find that the end product is more likely to be in the public interest if the public is involved in the rulemaking process.

If the Internal Revenue Service feels compelled to permit the involvment of interested parties because of the possible impact on a person's property of IRS rulings, surely the Selective Service System should show an equal concern for the possible impact on persons' lives.

I believe that prepublication and an opportunity for written comment would be in the interest of the registrants, in the interests of the Selective Service System, and in the interests of the Nation.

Mr. President, the theme of the legislation before us is to try to make the system more fair and more equitable. This is a technical amendment but I think it has importance in providing a better sense of equity and fairness to the young people who will be affected by the Selective Service System.

Mr. STENNIS. Mr. President, will the Senator yield to me for a few questions?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. STENNIS. The Senator's amendment is addressed, as I understand it, to regulations that the Director of Selective Service is authorized under this law to issue, and, of course, that means they must be issued with the approval of the President of the United States or his direct representative. The Senator's amendment in its present form merely requires the publication of those regulations 30 days in advance of their effectice date. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS The Senator has done much work in this field, I know, and in a constructive way. The Senator from Massachusetts had an amendment on this subject matter before our committee. In the form before our committee, his amendment required certain hearings and related matters with reference to the regulations. As I understand it, the modified form of the amendment as the Senator presents it now does not require hearings. Is that correct?

Mr. KENNEDY. That is correct. I would personally feel that hearings would be more effective in assuring the fairness of the procedures. I would have liked to have seen that, although I think there is sufficient awareness in the country at this time so that by soliciting public comment from interested parties we could assure uniform and clear regulations. We do not now require public hearings. The Senator is correct.

Mr. STENNIS. There is no implication in the Senator's amendment that public hearings would be required. Is that correct?

Mr. KENNEDY. That is correct.

Mr. STENNIS I might observe that the Senator from New Hampshire (Mr. McINTYRE), a member of our committee, had an amendment before the committee on this same subject. His amendment also required hearings, as I recall. The troublesome requirement of the hearings was the reason why the committee rejected the amendment. I know that was the main reason why I did not favor it. I think that was the tone of the entire membership of the committee.

May we now, for the record, have something stated as to what the Senator means when we talk about regulations? In the form of a question, let me illustrate the provision in the law, and which is still in the law the same way, when the Supreme Court passes on the question of conscientious objectors. The Senator recalls that the Court broadened that definition somewhat. When that new decision by the Supreme Court came out, it called for the issuance of regulations by the Director of Selective Service, at least as to guidelines as to how the Director would apply and interpret that Supreme Court decision. Is that correct?

Mr. KENNEDY. Yes; that is correct. As the chairman of the committee knows, regulations on the question of conscientious objectors have not yet been issued in full.

Mr. STENNIS. That is an illustration of one type of regulation as to which the Senator's amendment would require 30 days' prepublication notice?

Mr. KENNEDY. That is correct.

Mr. STENNIS. Another illustration, if I may continue this: Even though we have the lottery system, a chance drawing by numbers, nevertheless the national director issues regulations as to how they are going to break groups up as to age levels, those that are turning 19 and those that are turning 20, and so forth. That comes out in the form of the regulations, does it not, and that is a major regulation? The Senator's amendment would require that regulation to be published if it should be changed, or a new one issued, at least 30 days before the effective date. Is that correct?

Mr. KENNEDY. The Senator is correct. The Senator has stated one of the most important and fundamental regulations. As one who supported random selection, the Senator is probably aware of some of the initial concerns the first time they had the random selection system. There was a question whether there was an appropriate scrambling of the numbers and whether the procedures that were followed really carried through the purpose of the Congress to produce a truly random system of selection. There was a good deal of comment after the fact on this question. I think if some of those matters had been brought to the attention of the Director prior to that time, he would have benefited from those comments.

Mr. STENNIS. Another question: Included in the regulations from time to time are announcements about taking married men and announcements that no one married after a certain date will be deferred for that reason. That is a regulation, but it is a little different. Would a regulation that no one would be deferred for the reason of getting married after a certain date require 30 days' prepublication notice before it could be effective?

Mr. KENNEDY. That would, as well. I think any regulations that are going to affect those who will be selected and those who will not be selected, the eligibility for being taken and the ineligibility for not being included, ought to solicit some kind of public comment. I would think that would fall as well into that requirement.

Mr. STENNIS. This was not a trick question, the Senator understands, but a regulation like this, in order to be effective, has to become effective at once.

I see where the Senator was anticipating some conditions in line 3 of page 2 of the amendment, which reads:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

At least there is some authority there for the President to have discretionary power. Would the Senator think that sentence would meet the situation I have outlined?

Mr. KENNEDY. I think it would. As one who has tried, as the Senator knows, to remove some of the discretionary powers of the President in terms of calling up men, I think we have moved into the area of greatest importance with the amendment that was accepted and supported by the chairman of the Armed Services Committee.

The amendment would permit the President to waive those provisions in times of national emergency.

This amendment is an attempt to provide a better sense of equity and fairness, notification, information, and legality in terms of the gray period of time such as we have at the present time when a number of young people are being drawn into the service, and when there is no national emergency. But the Senator is quite correct, that this does provide the President the opportunity for waiving these provisions of the regulation when it would materially impair the vital interests of the United States, upon public notice to the effect that this is the reason for it.

Mr. STENNIS. Mr. President, to keep things on an even keel here, I yield myself 15 minutes, or such part thereof as I may require. I wish to continue the questioning of the Senator from Massachusetts, if I may.

In view of the questions here, I am thinking about legislative history now, because this is an important matter, and I shall indicate in a few minutes that I think the Senator's amendment has considerable merit, particularly in its modified form.

Is there anything else the Senator would like to say on legislative history about it now?

Mr. STENNIS. Mr. President, as our colloquy here has indicated, we considered this amendment in the committee, and it had considerable appeal to the members, as it did to me.

At the time, though, there was a provision in the amendment that required hearings before a regulation could be made effective, and that involved the great question of how long the hearings might continue, and it involved just too much of a burden procedurally, we thought, with reference to making effective these regulations that have become so necessary.

Under the present practice, the regulations are gotten up by the Director of Selective Service. We have an excellent man now as Director, Dr. Tarr. Then they go to the President, or his representative, the Bureau of the Budget or whomever, and sometimes it takes them some time to clear it. But then, if they are cleared, in whatever form they are in when they are cleared, they are published in the Federal Register, and they become effective immediately.

Some of these regulations are very far-reaching. As the Senator pointed out, sometimes the quick interpretations that are given vary across the country.

It has great appeal to me, when we give such great power to the executive branch to issue regulations that have the force of law, that such a delegation of power we ought to zealously guard and safeguard. I like the idea that there should be a time lapse after the regulations are made public before they become effective.

There is nothing here that puts any undue handicap on the National Director of Selective Service. His office opposes the amendment, but it is mainly, I believe, on the grounds that it would create some delay and make the procedure a little more cumbersome in that way.

But I think in its present form the amendment sustains the fundamental principle that, where it is possible, of course, the people are entitled to notice about the effect of a regulation, some time to digest it, and the opportunity to take a position if they want to. I objected to all of them being encumbered with hearings, but it is now a different amendment.

The amendment contains a proviso, reading from line 3 on page 2 of the amendment in its printed form, as follows:

> The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

As I understand, that means that if a matter comes up that the President thinks necessitates a waiver of this requirement that 30 days must elapse after the date of publication before the regulation is effective, he can just give public notice that he thinks compliance with it would materially impair the national defense, and then the regulation becomes effective without the lapse of 30 days' time intervening.

I think this language could be scrutinized a little more closely, if the amendment is passed and goes to conference, as to that clause; but I believe the clause is a safeguard for the executive branch of the Government to have. With it, it would not be mandatory that this delay must occur, and, that being the case, I favor the amendment and support it, and I believe that I reflect the sentiments of the members of the committee itself, or most of them, anyway, as we considered this matter and passed on it at the time.

Mr. President, I have been handed a memorandum stating that I referred to the Senator from New Hampshire as being an author of an amendment before the committee, which reminds me that he did not actually write out the requirement for hearings, but the inference was that his amendment would require hearings. I notice that the Senator from New Hampshire is shown as a coauthor of the amendment the Senator from Massachusetts now offers, which shows that this reflects his present thinking on the subject.

So, Mr. President, with the amendment modified as now before us, and with this legislative history, I feel that this is sound legislation, that it is timely, and that it should become a part of the bill, and I hope the Senate will support it.

Mr. McINTYRE. Mr. President, I am proud to join the distinguished senior Senator from Massachusetts (Mr. KENNEDY) in cosponsoring his amendment to require Selective Service regulations to be published in the Federal Register 30 days prior to their effective date.

These Selective Service regulations affect the lives of thousands upon thousands of our citizens and it seems to me that they should have the right to be fully aware of the regulations and whenever possible should have the right to suggest consideration for changes in these regulations before they become final. I do not feel that this proposal would hinder the System since I have by my votes supported its continuation for a period into the future. I do, however, feel because of the enormous effect that it has on our young people and their mothers, fathers and loved ones that there should be the greatest possible citizen participation in making sure that the System's regulations are understood and protected.

Presently the Selective Service System issues the bulk of its regulations in the form of executive orders. The remainder are issued by the Director. Although all these regulations are published in the Federal Register, they are effective on the date they are issued. This has posed a problem because it gives no lead time for persons who are affected by the regulations to become aware of them. They may inadvertently break the rule without even knowing it; or they may be entitled to some new procedure but are unable to take advantage of it because they are unaware of it. The amendment under consideration would correct the possibility of this kind of occurrence.

Another area which has troubled me is that after Selective Service regulations are issued, within a short period of time, the Selective Service System's National Headquarters issues a local board memorandum which further explains the regulation and fills in some of the gaps. This is an important procedure to assure that the local boards are completely familiar with and understand how to implement these regulations. But the local board directives are not published in the Federal Register so that the people they affect are not aware of them except through their local board. Mr. President, if the regulations are published prior to their effective date, questions can be cleared up before the regulations are finalized so that the final form of the regulation may fill in some of the gaps and thereby pre-

clude the need for such lengthy local board memorandums.

THE ADMINISTRATIVE PROCEDURE ACT

The Selective Service System is one of the few agencies which is not subject to the Administrative Procedure Act of 1946 which requires most Government agencies and departments to publish their regulations prior to their effective date in order to give interested persons a chance to submit their views thereon.

Since 1948, our draft law has provided that—

13(b) All functions performed under this title shall be excluded from the operation of the Administrative Procedure Act except as to requirements of section 3 of such act.

That is the section dealing with public information requirements of administrative agencies. Under this section, the Selective Service is required to publish their regulations in the Federal Register, but this section does not require prior publication.

The evident purpose of this exemption was to make it clear that the Administrative Procedure Act did not require local boards to conduct quasi-judicial proceedings every time they made a decision affecting a registrant's classification. The Selective Service System has, however, given this language a more sweeping construction, taking it to mean also that Congress has barred any formal procedure under which the President or the Director would solicit public comment on proposed regulations before they are issued in final form.

One of the results of this practice is that ambiguities or errors which are not caught in the rulemaking process are likely to be raised later in a multiplicity of court cases. By failing to take comments on proposed regulations, the System has given registrants not only good reason to seek a day in court but often good grounds as well. During the last fiscal year, 3,700 processed selective service cases went through our courts. This is the highest number of cases of any of the specific Federal statutory offenses.

Mr. President, I would like to see this number greatly diminished as I am sure every one of my colleagues would and as I know the Selective Service System would.

I believe this amendment would cut down considerably on litigation because many of the questions which are now raised in the courts around our country could then be raised and cleared up with the Selective Service System prior to finalization of regulations. Moreover, this kind of public airing would result in a greater acceptance by the people who are affected by these regulations.

It is not proposed that the Selective Service System be subjected to all the rules and procedures of the Administrative Procedure Act; only that their regulations be published before they become effective so that views can be taken. With the current system, citizens never get a chance to question these regulations unless they do so as a criminal assertion.

ESCAPE CLAUSE

Under this proposal, the Director of the Selective Service System would have the discretion to decide whether formal hearings would be held or whether comments would be taken by letter. The amendment does suggest a time period of 30 days for views to be taken. I feel it is a good idea for a specific time frame to be spelled out in order to avoid any litigation on that point.

The language of the amendment also gives the Director the option of not publishing regulations prior to their effective date if it is not practicable or consistent with the national security. This would also give him authority to change the time period under these circumstances.

SIMULTANEOUS PUBLICATION AND INTERNAL REVIEW

I am aware of the lengthy administrative review the Selective Service regulations are already subjected to within the executive branch. I understand that sometimes this review can take as long as 7 months. If the regulations could be submitted to the public via the Federal Register simultaneously with their final month of internal review, then there would be no added time delay. The Council on Environmental Quality uses this technique and I understand it has been quite successful for them.

I commend the distinguished senior Senator from Massachusetts (Mr. KENNEDY) for this fine proposal and I urge my colleagues to join with us in supporting this amendment. I believe it will make the system more efficient and relieve Selective Service of much of its burden of litigation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HOLLINGS). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 99 Leg.]

YEAS—78

Aiken	Eastland	Miller
Allen	Ellender	Mondale
Allott	Ervin	Montoya
Anderson	Fannin	Moss
Baker	Fong	Muskie
Bayh	Goldwater	Nelson
Beall	Gravel	Packwood
Bellmon	Griffin	Pastore
Bennett	Gurney	Pearson
Bentsen	Hansen	Pell
Bible	Hart	Percy
Boggs	Hartke	Proxmire
Buckley	Hatfield	Randolph
Burdick	Hollings	Ribicoff
Byrd, Va.	Hruska	Roth
Byrd, W. Va.	Humphrey	Saxbe
Cannon	Inouye	Schweiker
Case	Jordan, N.C.	Smith
Cook	Jordan, Idaho	Stennis
Cooper	Kennedy	Symington
Cotton	Long	Taft
Cranston	Magnuson	Talmadge
Curtis	Mansfield	Thurmond
Dole	McGee	Weicker
Dominick	McIntyre	Williams
Eagleton	Metcalf	Young

NAYS—0

NOT VOTING—22

Brock	Jackson	Sparkman
Brooke	Javits	Spong
Chiles	Mathias	Stevens
Church	McClellan	Stevenson
Fulbright	McGovern	Tower
Gambrell	Mundt	Tunney
Harris	Prouty	
Hughes	Scott	

So Mr. KENNEDY's amendment (No. 120) was agreed to.

Mr. MCCLELLAN subsequently said: Mr. President, I wish to announce that I was absent on the last vote because I was in a conference at the White House at the time and was not able to get here before the vote closed. Had I been present, I would have voted for the amendment.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GRIFFIN. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

AMENDMENT NO. 156

The PRESIDING OFFICER (Mr. BYRD of Virginia). Under the previous order, the Chair now lays before the Senate amendment No. 156 of the Senator from Iowa (Mr. MILLER).

Mr. MILLER. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

(e) In the case of any State in which the provisions of this section apply because of the failure of the Governor to give notice as provided by subsection (b), the State shall, under regulations issued by the President, notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the State; and shall provide for their registration for voting, if they elect to register for voting under this section, in accordance with such procedures as may be prescribed by the President if such persons are otherwise qualified to register for voting in Federal elections in the State. Any such registration for voting shall be deemed to have met all the requirements for voting in Federal elections held in such State and shall continue in effect for the same period of time it would have been in effect had such persons registered under the applicable State law.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, the Senate agreed to the Eagleton amendment No. 113 the other day. If I understood the explanation of the distinguished Senator from Missouri (Mr. EAGLETON) correctly, the rationale behind that amendment was that those who are old enough to fight for their country are old enough to vote, and that they should have all means made available to them so that they can exercise that right.

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senator from Iowa may proceed.

Mr. MILLER. Mr. President, the Senate by agreeing to the Eagleton amendment has gone on record in support of that rationale.

I suggest that the Eagleton amendment did not go far enough and that it is defective in that it overlooks the fact that there is discrimination, if we want to call it that, in the Selective Service Act in that only male citizens or residents are required to register for the Selective Service Act. That being the case, the question naturally arises, what about the 18-year-old girls? Do they not have any right to be notified? Should they not be notified with the same intensity as those who are required to register for the draft?

Hundreds of thousands of our young men will be registering for the draft. Only a fraction of those will actually be called up. We hope and pray that none of those who will be called up will have, in fact, to fight for their country.

There are going to be hundreds of thousands of young women who will be reaching age 18 and will be wondering why the Senate, in providing for procedures for the registration of 18-year-old men, did not think about them also.

What my amendment has attempted to do has been to parallel the Eagleton amendment as much as is feasible to provide that a State which has, under the Eagleton amendment approach, decided to come under the Eagleton amendment notify these young women of their right to be registered to vote, and then, paralleling the Eagleton amendment, provide that if they elect to register to vote under this section, they shall be so registered in accordance with the procedures as may be prescribed by the President.

I would like to make it very clear that, whereas the Eagleton amendment uses the selective service system as a vehicle for registration, my amendment does not do so. Rather, it requires the State to set up the procedure. The purpose of the Eagleton amendment and my amendment is identical in that we want the 18-year-olds to be notified and to have a right to be registered as efficiently as possible.

Some will say that the States will take care of that matter. Maybe some States will, and maybe some States will not. I do not recall that in my State any 18-year-olds will be automatically notified of their right to be registered. They leave that up to the individuals concerned. I think that if we are going to notify the young men, we ought to notify the young women.

That is the essence of my amendment. I will be happy to yield for questions. I notice that my friend, the Senator from Missouri, is on his feet. I will be happy to yield for a question.

Mr. EAGLETON. Mr. President, I take it that the Senator from Iowa believes in the basic wisdom, fairness, and convenience of allowing young men to register to vote at the same time they register for the draft as provided for in the so-called Eagleton amendment.

Mr. MILLER. Mr. President, may I say to my friend, the Senator from Missouri, that I voted against the Eagleton amendment because I believe it is not necessary in the first place and, in the second place, I think there is a little defect with the philosophy that states that because one is 18, 19, or 20, one is old enough to vote. We covered that in our constitutional amendment. In fact, I think all of us in the Senate voted for that constitutional amendment. However, if we go further and say that since they are old enough to fight, we will make it easier for them to register, then we will find that we are going to register not only those who will be called up and who may have to fight, but we will also be registering hundreds and thousands of others who will never be called up.

I do not think it would be fair to say that only those who are called up would be registered under that amendment. I think the Senator was consistent in saying that since one is registered under the draft, he will be eligible to register for voting.

What about the 18-year-old girls? Why leave them out?

My point is that if we are going to be consistent, I think a similar amendment ought to be agreed to.

While I may have opposed the Eagleton amendment originally, the majority of the Senators supported the amendment. That is the ball game. I am trying to improve that provision.

Mr. EAGLETON. Mr. President, I must say that I fear the Senator is loving my amendment to death. To be perfectly consistent, I think the Senate should reject the Miller amendment. The theory and rationale behind the Eagleton amendment was that since the young man who is 18 is obliged under Federal law to walk into the draft board and register for the draft, we should make it convenient for that 18-year-old to register to vote at the same time if he so desires. After all, an 18-year-old registering for the draft with the potential exposure to the draft and the other risks involved in the draft, including death—could conveniently at the same time he is obliged to walk into the draft board to sign a registration form also sign a registration form to be eligible to vote.

It is entirely inconsistent to bring in 18-year-old girls. They are not required to register at draft board for possible service to their country. The 18-year-old girl who is desirous of voting—and we hope that they all do—can go down to the county board of commissioners or the county courthouse, or wherever registration is provided for. She can do that now and will be able to next year, too.

The use of draft boards for registering men to vote at the same time they register for the draft is one thing. It is superfluous to tie this to function the registration of women. It is not superfluous in the case of young men since they must come into the draft board in the first place.

I suggest that rather than adding to the thrust of the Eagleton amendment, the Senator—perhaps unwittingly—is subverting the purpose of the amendment. There is no intention to require the registration of young women. Young women are not responsible for registering for the draft; they are not required to serve in the defense of their country; they are not subject to the loss of life and limb in the service of their country.

Mr. MILLER. Mr. President, the Senator is not responsive, since he says that registration for the draft has nothing to do with my amendment. That is quite obvious. That is why my amendment exists. I do not understand why the Senator seems to make the point that there is no tie-in between registering for the draft and the registration of young women. To me, it is beside the point. If there were some relevance, my amendment would not be required. However, because there is no tie-in, my amendment is essential. That is the reason for my amendment.

The Senator suggests that only 18-year-old men are required to be drafted. This is one thing that bothers me about his amendment. They can go to the draft

board down the street and register for voting in accordance with the present procedures of the various States. The Senator said that is a little more difficult, make it easy for them and let them register at the time they go to the Selective Service office, and the Senate said that is fine.

As long as that is done, why not fulfill a similar purpose with respect to those not required to register for the draft. It is the will of Congress that they are not required to register for the draft. Some persons might call that discrimination but it is the will of Congress that 18-year-old women do not have to go to the draft board to register, so it seems to me, Congress has the obligation to treat them in the same way or nearly the same as possible.

Mr. EAGLETON. I think there is a first blush, highly superficial appeal to the Senator's amendment. But I repeat to him that under the draft law, and we trust it will be extended, young men are obliged to come in and register; and there is set up already a system whereby books are kept on 18-year-old men at the local level, and the national record is kept by Selective Service in Washington.

If the Senate were to agree to the amendment proposed by the Senator from Iowa (Mr. MILLER) it might require a whole new system for hundreds of thousands of persons who are not obligated under the draft and, therefore, there is no record kept on them. If eventually draft boards were used there would be no way to check the authenticity of their registration because there would be no way the selective service board could verify that Mary Brown was 18 years old and could vote, but with respect to Tom Brown, her twin brother, they do have a record.

Mr. MILLER. If the Senator wants to dispute my amendment on its merits, that is fine, but let us not drag in side issues not in accord with my amendment.

He said my amendment would require all kinds of new machinery.

Mr. EAGLETON. I believe it would.

Mr. MILLER. All we would have to do is go through the regular machinery now existing. What is difficult about that? Where are they going to go, anyway?

Mr. EAGLETON. Do you want the Selective Service to keep records?

Mr. MILLER. Not at all.

Mr. EAGLETON. Do you want them to keep records of birth certificates and other records of women?

Mr. MILLER. Not at all. Show me anywhere that I say anything about the Selective Service doing that.

Mr. EAGLETON. That is the effect of the amendment, because it would be required.

Mr. MILLER. It will not be required and I have already stated it will not. So I ask the Senator, to go into the merits of this amendment and not into something that is not here.

Mr. EAGLETON. The State will have to get into recordkeeping for thousands and ultimately millions of women.

Mr. MILLER. Not at all. It requires the State to notify these 18-year-old girls of their right to be registered for voting and to provide for their registration for voting if they elect to register.

Mr. EAGLETON. They will have to get up a list of the 2 million 18-year-old girls.

Mr. MILLER. Who will do that?

Mr. EAGLETON. Selective service?

Mr. MILLER. Not at all. They have nothing to do with keeping a list of 18-year-old women.

Mr. EAGLETON. The Senator might put them in that business with that amendment.

Mr. MILLER. Not at all. You should know better, having served in the Missouri Legislature. You should know the way the State will do this will be to take a list of those who apply for automobile registration.

Mr. EAGLETON. So, every 18-year-old girl will not be notified—only every 18-year-old car-owning female. That would be the way you would register? If you are not a car-owning 18-year-old female you cannot be notified?

Mr. MILLER. What kind of record do they now keep on 18-year-olds who apply for automobile registration?

Mr. EAGLETON. I am sorry to say that in most Western States they are shoddy records.

Mr. MILLER. They keep a list of 18-year-olds.

I think it is sorry that you put in red herrings and nonsequiturs. It is unfair. You should support my amendment instead of bringing up false issues.

Mr. BYRD of West Virginia. Mr. President, I respectfully ask that Senators not refer to one another in the second person, but that the rule be enforced and that they refer to colleagues in the third person.

The PRESIDING OFFICER. The Chair requests that Senators comply with the rules.

Mr. MILLER. I am happy to yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes or such time as I may require.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, in spite of my very high regard for the Senator from Iowa, the author of this amendment, who once was a member of our Committee on Armed Services and a valuable one, and a hardworking member, too, I feel compelled to vigorously oppose this amendment. There are several reasons.

I was opposed to the Eagleton amendment, but it was presented thoroughly by both sides and the Senate by a decisive vote voted in favor of the Eagleton amendment. I accept it now as part of the bill and we will vigorously espouse its cause in conference.

At the time I said it had the effect of the Federal Government reaching over and taking jurisdiction of a young 18-year-old man and requiring him under penalty of law to register and to get on the books, and probably be drafted. The idea has already been established that if a person is going to fight he should be allowed to vote. The Eagleton amendment said, "When you register to fight your registration to fight will count as registration to vote."

That is putting it a little briefly but that is the substance of it, as I saw it. Now, we do not discriminate against 18-year-old girls but neither does the Federal Government say to them, "We are going to take jurisdiction of you and make you take your chances about going to fight." We have not gotten to that yet. Until we do the processes of the Eagleton amendment or any other process of the kind with reference to voting does not apply. Certainly, it does not apply to this bill. This is not a voting bill. This is not a registration primarily for voting.

I call attention to the language of the amendment. Line 3 states, and I hope I am not too critical of it:

> the state shall, under regulations issued by the President,

and here is a State in a matter in which it has sole jurisdiction,

> notify all persons reaching the age requiring registration with the Selective Service System but who, because of sex, are not required to register, of their right to be registered for voting in all Federal elections held in the state;

Mr. President, why go out of bounds so far and so much and mandate the States under regulations here of a Federal Chief Executive on a matter of this kind? That is not necessary.

Turning now to page 2:

> In accordance with such procedures as may be prescribed by the President. . . .

Here are the procedures for registering in a State. It all has to be in accordance with Federal procedures that may be prescribed by the President "if such persons are otherwise qualified to register for voting in Federal elections in the State."

The language is silent with respect to what we are talking about—Selective Service or elected officials of the State. According to the colloquy, that has been cleared up. The Senator from Iowa said he had no such intention.

But I really think it ought to be spelled out and made clear which registration and where we are talking about.

My objection is that here is a matter wholly foreign to the bill. It is wholly foreign to the subject matter of the bill. It is wholly foreign to our power in any kind of bill to be mandating a State or the regulations of the President of the United States to go out and look for people when we have no jurisdiction in that field. I do not think we have gotten that far where we have to legislate on those matters—not yet. We ought to leave to the Governor some identity and to the States some identity and some function.

Therefore, I hope this amendment will not be adopted. I frankly think it detracts from the Eagleton amendment. If it were an amendment fitting hand and glove with the Eagleton amendment, which would strengthen it somewhat, or which at least did not detract from it, I would not object to anything in that form, but I think the Senate's will on the Eagleton amendment must be espoused in conference. If we now go off

in an additional field and tie in this additional amendment, I think we detract from the amendment already passed and weaken its chances in conference.

But basically and fundamentally, we just do not have to get into the field of elections in this bill at all with respect to people who are not connected with selective service, over whom we have no purpose or jurisdiction. It is a foreign subject matter, and I respectfully think it ought to be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa has 1 minute remaining.

Mr. STENNIS. Mr. President, I yield the Senator 2 or 3 minutes in addition.

Mr. MILLER. I thank the Senator.

Mr. President, the Senator from Mississippi knows I have a great amount of respect for him as a person and also for his legislative ability. I do regret, however, that he seems to feel, while the intention behind my amendment has been made clear, there remains something in there that does not make clear that the Selective Service System is not going to be involved in this legislation.

Mr. STENNIS. Mr. President, I merely make the point that the courts do not always accept the legislative history.

Mr. MILLER. What I am going on is the plain reading of the measure, because it simply says the States shall provide for their registration. I do not know how a State can provide for their registration by requiring the Selective Service System to do anything. It just does not have anything to do with the Selective Service System on a plain reading of the amendment.

I understand the Senator's concern about tying in with the States, which was emphasized in the Eagleton amendment, but the Eagleton amendment has a paragraph which provides that if the Governor of each State notifies the Director in writing that the State does not desire to get into the picture, they are not going to get into the picture.

Finally, I would suggest this to my friend from Missouri: If he wants his amendment to stand up in conference, I think he ought to support the Miller amendment, which merely complements and makes clear that we are not going to discriminate as between 18-year-old young women who, under mandate of Congress, do not have to register for the draft, and 18-year-old men who do.

Mr. STENNIS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. I yield back my time.

Mr. MILLER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back and the yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY) would each vote "yea".

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote nay.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from New York (Mr. JAVITS) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Pennsylvania (Mr. SCOTT) would vote "yea".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay".

The result was announced—yeas 28, nays 56, as follows:

[No. 100 Leg.]

YEAS—28

Bayh	Hughes	Pell
Bellmon	Humphrey	Prouty
Burdick	Magnuson	Proxmire
Byrd, W. Va.	Mansfield	Randolph
Case	McIntyre	Ribicoff
Cook	Miller	Schweiker
Cranston	Montoya	Stevens
Curtis	Muskie	Williams
Griffin	Nelson	
Harris	Pearson	

NAYS—56

Aiken	Ellender	Mondale
Allen	Ervin	Moss
Allott	Fannin	Packwood
Anderson	Fong	Pastore
Baker	Gambrell	Percy
Beall	Gravel	Roth
Bennett	Gurney	Saxbe
Bentsen	Hansen	Smith
Bible	Hartke	Sparkman
Boggs	Hatfield	Stennis
Buckley	Hollings	Stevenson
Byrd, Va.	Hruska	Symington
Cannon	Inouye	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Dole	Kennedy	Tower
Dominick	Long	Weicker
Eagleton	McClellan	Young
Eastland	McGee	

NOT VOTING—16

Brock	Hart	Mundt
Brooke	Jackson	Scott
Chiles	Javits	Spong
Church	Mathias	Tunney
Fulbright	McGovern	
Goldwater	Metcalf	

So Mr. MILLER's amendment was rejected.

AMENDMENT NO. 135

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate amendment No. 135, offered by the Senator from Oregon (Mr. HATFIELD), which will be stated.

The assistant legislative clerk read as follows:

TITLE IV—CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 401. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority the Secretaries of the military departments shall, not later than three months after the date of enactment of this Act, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect;

(7) the improvement and expansion of education opportunities, including associate degree programs and off-duty courses;

(8) ways to alleviate or prevent the problem of family separation for married members of the military services;

(9) the improvement and expansion of housing opportunities; and

(10) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs shall be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than three months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I yield myself 10 minutes.

Mr. President, we have had a number of days of discussion on the floor as to when and under what circumstances this Nation would be ready to move to an all-volunteer military. Today I have an amendment which I think will be acceptable to even those who perhaps do not support the idea of an all-volunteer military as well as those who do support the proposition of an all-volunteer military.

We have heard it said frequently that we do not have sufficient data upon which to base a decision at this time on the question of an all-volunteer army. In this amendment, we are again attempting to put into action one of the recommendations of the Gates Commission which would direct the Secretary of Defense to provide for military manpower needs of our country through voluntary enlistments, to the greatest possible extent.

This amendment would direct him to do this within 3 months after enactment of the act, by initiating the following measures:

It would provide the inducements necessary to take the fullest advantage of career selection motivations in attracting persons to military careers.

It would provide for the improvement and expansion of programs utilizing civilian personnel in lieu of military personnel for noncombatant services.

Within this context, the Secretary is directed to provide a position-by-position analysis of all military jobs within the Defense Department, with a view to determining which jobs shall be performed by military personnel and which shall be performed by civilian personnel.

It would also provide him with the opportunity to develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel.

This analysis would also be required to be completed within 3 months after enactment of this act.

This amendment further directs the Secretary of Defense to provide for an improvement and expansion of programs under which the education of specialists is paid for by the Armed Forces in return for an obligated period of military service by the individual receiving the educational assistance.

The amendment would provide for the improvement and expansion of officer training programs and the improvement and expansion of military recruiting programs.

It would require a more effective incentive program for recruiting personnel, under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotion, and quota systems would no longer be in effect.

The amendment would require the improvement and expansion of educational opportunities, including associate degree programs and off-duty courses.

The Secretary would also determine ways to alleviate or prevent the problem of family separation for married members of the Armed Forces; and to improve and expand housing opportunities. Finally, this amendment would require the Secretary of Defense to submit to Congress no later than 18 months after enactment of the act a detailed report regarding the progress toward total reliance on a voluntary system for maintaining military manpower needs and making recommendations for the system's improvement.

Mr. President, this amendment would help move us one step closer to a volunteer military and help the Congress decide what the best method of maintaining our military manpower needs would be.

The passage of this amendment would possibly accelerate programs already contemplated by the Defense Department as well as provisions already encompassed in other parts of this act.

Perhaps one of the most important aspects of this amendment is the position-by-position analysis of military jobs with an eye to civilian replacement if it is deemed economic.

This would obviously relate only to noncombatant jobs so there would be no need to have this material classified for fear of jeopardizing our national security.

The position-by-position analysis would give us an accurate picture of the requirements of the Defense Department so that the Congress could much more easily make decisions relative to its constitutional role of providing for our Nation's military manpower needs;

This amendment would not cost any additional money, but in the long run may well be a vehicle for savings;

The provisions within this amendment are consonant with the goals set by the administration and the Defense Department;

And whether or not one favors a volunteer military, voting for this amendment would only make the Armed Forces more efficient and provide Congress with greater knowledge for more wisely exercising its constitutional responsibilities.

Mr. President, I believe this is a thorough and extensive description of the amendment which I am offering. I think it embodies here a number of existing parts of the bill. The specifics are also found elsewhere as, for instance, in the Scott amendment which was passed earlier by the Senate calling for a report on progress toward a volunteer military. It gives more meaning to the Scott amendment. It details the basic concept in the Scott amendment which has already been approved and, therefore, I believe that the pending amendment should be agreed to.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. On this amendment, what is the agreed upon time?

The PRESIDING OFFICER. One hour, one-half hour to each side.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this is an amendment that the committee did not have an opportunity to consider. Some of the matters relate to those in the Gates Commission report and are outlined here as things which must be done; that is, the President, the Secretary of Defense, and so forth, shall provide for the military manpower needs of the Nation through a volunteer program of enlistment. That is just window dressing. That is what the program is, and it has been implemented here and really says, in the exercise of such authority, the Secretary of the military department shall, not later than 3 months after the date of the enactment of this act, under the direction and supervision of the Secretary of Defense, specifically provide for, one, inducements necessary to take fullest advantage of career selection, motivation, in attracting persons to military careers.

Mr. President, enumerated in the amendment are 10 different items that must be done within the 90-day period.

It is easy to go back and take things out of the report and write them into language and put mandatory "shalls" on them and bring them in here as an amendment from the floor when there is not much chance for the membership to know what is in them or to know the meaning, much less when they are engaged in other matters as they are today, as evidence the number of vacant chairs in the Chamber at this moment.

If the President or any of the Services—the Department of Defense—wanted these items to be put in the bill, we would have heard from them in January or February. They are not supporting this amendment. There are some things here which I expect them to do, or try to do, but it is wholly beyond the realm of reason just to mandate here on the floor of the Senate that they "shall" do these things and must have their plans in operation and on the move within 90 days.

Mr. President, it will take longer than that for this "baby" to be born. This is a totally new concept. We already are pouring billions of dollars into the program. Congress will have plenty of opportunity to push the program along in its essential matters—money, for instance, and other things that go to make up the so-called voluntary services—a volunteer army.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. Just a moment—those that actually are for this matter, I believe, it is thought to pass the amendment when the Senators come back into the Chamber and they are told, "This is for the voluntary army plan and if you are for the voluntary army then vote for this amendment."

I think those that are for a volunteer army and really want it to move had better be still a little while and give the President and the military an opportunity to move that way rather than just to jump the gun here telling them what they must do.

I am glad now to yield to the Senator from Oregon.

Mr. HATFIELD. Did I understand the Senator to imply that the provisions in this amendment indicate new programs?

Mr. STENNIS. Well, not altogether, but they are in the idea stage, a good number of them that the Senator has listed here.

Mr. HATFIELD. I would beg to differ with the Senator, in all due respect, that there are no new programs provided in this amendment. The Senator, I am sure, is well aware in his careful study that the programs are underway now in the military and we are not mandating any new programs. We merely ask in the amendment to get the files so that they can be presented to Congress for our information.

Is the Senator against receiving information?

Mr. STENNIS. The last part of the Senator's question is off—is not relevant, I do not think.

Let me ask the Senator a question, if I may—return a question to him—what is the hurry? Why the lack of trust here? Why the lack of trust in the President, for instance, and those who are supporting him? What is the hurry? Is not the Senator satisfied to get the plan, and get the money for it and then trust these men to do the best they can?

Mr. HATFIELD. I do not think there is any wording in the amendment which implies a lack of trust, although there might be evidence here in the past few weeks that might cause us to have some question about trust. But I do not think there is any wording in the amendment to indicate a lack of trust. There is no question of trust in here. I am sorry the Senator has seen fit to divert our attention to a peripheral point. This is a harmless matter, purely a matter of getting information. The question is whether we want to be informed. If the Senator does not want to be informed on these matters, that is quite all right. I, for one, feel that when we have had this debate, up to this point, the Senator from Mississippi has rejected outright the Gates Commission. He has said the Gates Commission is not the basis upon which to make a decision.

This is merely asking for information from the military. Does the Senator not accept the information from the military? We are not asking for this to be given to us by some nonmilitary organization or nongovernmental organization. We are merely asking for a report on various programs. No new mandates and no new programs are being undertaken. We are merely asking for a report from the Pentagon to Congress. I cannot imagine what the logic would be in rejecting a request for information.

Mr. STENNIS. Mr. President, if the Department of Defense, which is supporting a volunteer army, wanted this enacted into law, why did they not say so? To the contrary, they say they do not want it enacted into law.

Mr. HATFIELD. Mr. President, I would be very happy to answer that question. When they proposed the legislation pending before the Senate, that was not part of the scope of that legislation.

Mr. STENNIS. They say they are against the Senator's amendment. We can argue all day about these improvement and expansion programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance.

That is the whole field of medical attention to the military, their dependents, and the retirees.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Mr. President, I will yield in a moment. There are plenty of requests coming in for those things.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, does the chairman of the Senate Armed Services Committee imply that there are no existing problems in recruiting for these forces under present conditions? Does the chairman of the Senate Armed Services Committee imply that there are no problems in the military as it relates to the educational provisions and housing? The committee itself has brought in provisions relating to this.

The PRESIDING OFFICER (Mr. MONTOYA). The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 additional minutes.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. I have the floor. I would be glad to yield to the Senator from Oregon for a question.

Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 additional minutes.

Mr. HATFIELD. There are already embodied in the bill which the Senator brought from his committee provisions for some of these specific programs. The committee has already recommended action on some programs. All we are asking is that a report be made to Congress. Why should we reject a request for a report on the very thing the Senator from Mississippi had included in the bill?

Mr. STENNIS. Mr. President, I am pointing out here that this goes far beyond the rule of reason or commonsense. For instance, there is a mandate here that 3 months after this act passes, we must specifically provide for a more effective incentive program for recruiting personnel under which successful recruiting personnel would be afforded the opportunity to earn extra pay on bonuses as well as accelerated promotions.

Here we are dipping down into the proposition of accelerated promotions for one particular group of the vast military. I know a little about this. I have been dealing in a way with this personnel matter for a number of years. When we go to set up special provisions for accelerated promotions for a special group, we ought to know what we are doing. The matter ought to be delved into. Here we propose to throw in a blanket provision and say that we must do this.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. In just a moment. The amendment also reads: "quota systems will no longer be in effect."

What are quota systems? We are outlawing them. What does it mean? I do not know what it means. I never heard of that term in connection with recruiting, although it may be used. Here we are, and we do not know. We do not know what all these things mean. I am not finding fault with the Senator from Oregon. Someone sold him a bill of goods and he wants these provisions passed.

I am saying as a chairman of the committee and as a longtime member of the committee, that it is impracticable and unreasonable to go into these things. They must be involved. Is the Senator referring to the ROTC in this amendment?

Mr. HATFIELD. That is in a separate amendment.

Mr. STENNIS. That is something that I have experience with. I have someone working on it especially for me. I expect to try to make a few speeches in three or four places around the country to encourage young men to go into the ROTC. We do not need the money. We can always get the money. We have to persuade them to go into it and persuade the institutions to permit them to operate on the campus. That is where the trouble is.

Something has to be done in this country to get junior officers in all the services. I think the ROTC is the best way to do it. However, we cannot put a provision in a bill and say that it shall be done. We have to create the climate and the desire. That is the process of evolution.

Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would just like to keep on the subject here. We are going to go into the ROTC in the next amendment. I would like to say that I am utterly confused at this point by the statement made by the chairman of the Armed Services Committee who indicates that we are proposing a new program on recruitment and quotas.

I am sure the chairman of the committee realizes that these are already in the Armed Forces on an experimental basis. The bonus system is already included on an experimental basis.

There is nothing new contained in this amendment that is not already underway in the Armed Forces. We are not mandating some new program. I want the Senator to point out one thing in the amendment that is a new program. There is not a single new program in this. We are asking for a progress report on the experimental programs. They are already going on. The military knows they have trouble in recruiting. They have experimental programs. We are trying to improve their programs.

Point out one new program that is not already employed at least on an experimental basis by the military services.

Mr. STENNIS. Mr. President, they have been making some efforts along the lines we have been talking about. They

have been making some efforts. Any time we ask them, "Are you doing this to improve the service," they always say "Yes." I have never heard them say anything but yes. I have never heard a witness who has come before the committee and said he did not know. There is always an answer.

My point is that they have been trying to see what they could do about some of these items at least, and they are finding a lot of insurmountable difficulties. They are having to back up and start over again. That is why they are opposed to the Senator's amendment. The Senator is trying to freeze something in concrete before there is time for them to find out where they are. I think they are trying to do this in good faith.

The Senator is taking a lot of things out of the Gates report that the President of the United States refused to accept and would not recommend. He would not recommend it in the bill. In the proposal for the volunteer army, the Senator is proposing to kill the draft. I am not talking about the Senator personally. However, there is a sentiment created here to kill the draft. The volunteer army is another thing.

Mr. HATFIELD. Will the Senator yield?

Mr. STENNIS. I will yield in a minute. Everyone from the President of the United States on down has come in and said, "Give us 2 years and we think we can make this thing work. We have already done some planning." The idea proposed here was not to give them a single day's extension of the draft. I believe the Senator voted for that. That was his amendment. He did not want to extend the draft at all. He certainly has a right to offer such an amendment to turn the President down on this matter in his official capacity. I admire the Senator's honesty all the way through on this matter.

The President asked for extra dollars and they said to give him this amount and they did, and I am not complaining. But now that they have been turned down on all those things, they say, "Make him take this." I am opposed to it and I hope there will be a majority opposed to it.

I yield to the Senator from Oregon.

Mr. HATFIELD. I would like to ask the Senator if there is anything in this amendment inconsistent with what is now going on in the military on at least an experimental basis.

Does the Senator find anything in this amendment inconsistent with what is already being considered and studied and programed by the military?

Mr. STENNIS. I note the Senator includes language here that they must, within 90 days, specifically provide for the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers, whatever that means, which is already going on.

Mr. HATFIELD. Does the Senator——

Mr. STENNIS. Let me answer the question. The Senator asked me a question.

If we were to ask the military if they are doing something along that line, the answer would be that they are. My point is that the Senator would freeze this in concrete and try to anticipate an overrun; and they will come in with a lot of words that do not mean any more than the Senator's words in this amendment. But they will confuse and jam the brakes, if they are given the leeway.

The amendment also states:

> Not later than 18 months after the enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of a voluntary system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, there will be plenty of reports. I do not object to that. There would be reams and reams of testimony coming in and wanting this and that and more money. This is a billion-dollar program. I warn the Senate in that respect again. If we want it to work, there has to be trust in those who have the responsibility.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. HATFIELD. Does the Senator imply there is a cost factor involved?

Mr. STENNIS. Yes. These items will cost a tremendous amount of money. It depends on how far the Senator wants to go. I know if we mandate this by implication we are promising to support whatever is brought here, and the military is very resourceful on ways to get money.

I am not in favor of any amendment that would cook up all of that and have them coming back to get billions of dollars. I credit good faith to the effort.

Mr. HATFIELD. Does the Senator imply he accepts other reports without careful scrutiny of the report, or merely upon a recommendation? I see nothing here requiring the Senate to accept the report.

Mr. STENNIS. I said I did not want to be bound to espouse the cause for the money by requiring them to do all that the Senator would require them to do.

I am not being personal, but I do not believe the Senator made a full study of the subjects he wants to write in concrete. I do not think the Senator has made a sufficient study to have a clear-cut idea of the requirements.

This language is general and it covers the waterfront. It cannot be carried out. It would take years to carry out some of the provisions.

We now are calling for a report, a plan, within 90 days. It is just impossible.

For instance, item 9 calls for the improvement and expansion of housing opportunities. We have been voting hundreds and hundreds of millions of dollars for years and years for family housing. It is a good investment and we have millions and millions of dollars invested in family housing all over the country and overseas, too. There will be bills this year with specific recommendations.

The second item provides for "the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service." Item 3 calls for "the improvement and expansion of programs under which the education of specialists is made." Item 4 calls for "the improvement and expansion of officer training programs."

Mr. HATFIELD. Is the Senator against improvement?

Mr. STENNIS. Of course not. I would like to improve this bill a little by getting it finished and getting it on to the White House. We have had enough of these amendments, I think, for a sound bill.

Mr. President, I will yield for a question, if the Senator wishes, or I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I find myself on the horns of a real dilemma. The Senator has criticized the amendment as being too specific, and in the same breath he criticizes the amendment as being too general. I am puzzled as to the real point.

The Senator said this is a recommendation against the commission; that the President rejected the recommendation of the Gates Commission. That is not the record. We have enacted already certain parts of the Gates Commission recommendation. The President did not reject it outright. He rejected the timing of a volunteer army but not the idea of an increased pay scale. We have already increased the pay scale.

To say that the Gates Commission represents some sinister form of study is nothing but rhetoric; it is forensic flounting of the issue. We have to keep our focus on exactly what the amendment would do and would not do.

If one would carefully read the amendment he would find that it merely asks for information on ongoing programs. It asks for this information merely in order to establish some sort of viable basis on which this Congress or some future Congress could act on the question of a volunteer military.

Let us not misunderstand the situation. If Congress votes for a 2-year extension on the induction power of the President, this does not mean we would not have to face up to these matters for another 2 years. We will still have to consider some of these matters during that time. We will have to consider these points in the amendment.

The Senator has rejected the Gates Commission and scorned it in every comment on the floor of the Senate. We have tried in this amendment to develop some data and statistical evidence upon which Congress can make judgments and upon which there will be agreements on the validity and authenticity of information, reports, statistics, and data.

Regardless of one's point of view on the volunteer military, and that is not the question here, this is merely an information-requesting amendment. If a Senator votes against this amendment he is saying, in effect, he does not want information or data.

As will be recalled, we agreed to the

Scott amendment. The Scott amendment called for a report. All this amendment would do would be to fill in and state specifically the things we want the report to include. The Senate is already on record asking for a report. We are not asking for a new report or any new programs. We are merely asking for a more definitive report that is not included in the Scott amendment. That is all this amendment would do and nothing more. It asks for it in a reasonable period of time and if it is only the time factor that is involved, I am open for change to make it more acceptable; but it does not mandate any new programs or any new requirements for the military because we have already passed the Scott amendment.

All this does is to give in detail the specifics that the Scott amendment language does not provide.

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, amendment No. 135, offered by the distinguished Senator from Oregon (Mr. HATFIELD) would provide for a series of directives by Congress designed to implement an all-volunteer armed forces program.

It amounts to the Congress telling the Defense Department to do what it is already trying to do in moving toward an all-volunteer armed force.

These proposals are to be implemented within 3 months after passage of the selective service bill. This time limitation would certainly give the executive branch problems if this amendment should pass. Further, this time limitation would prevent the provisions of this amendment from being implemented in an effective way.

The amendment requires that the Secretary of Defense provide for the following actions:

First, inducements for attracting persons to civilian careers; second, utilization of civilians in lieu of military personnel; third, increased use of subsidized education; fourth, improvement and expansion of officer training programs; fifth, improvement and expansion of recruiting programs; sixth, improvement and expansion of educational opportunities; seventh, alleviating or preventing problems of family separation; eighth, improvement and expansion of housing opportunities; and ninth, other actions to upgrade conditions of military service and the status of military personnel generally.

Mr. President, I see no need for this amendment as many of these steps and others not provided for in this proposal are being carried out by the Defense Department.

The Nixon administration is on record in favor of an all-volunteer armed force, and drastic steps are being taken to achieve that goal by July 1, 1973.

I seriously question this mad rush to relieve our young people from the legal obligation to serve in the uniform of their country. These and other actions indicate to the people of America that someone can be paid to defend us. People should serve in uniform out of obligation and dedication to their country and not for money alone.

One aspect of this amendment deserves special attention. With respect to a program for the increased utilization of civilian manpower, a program for civilian-military substitution was initiated in 1966 to replace by the end of 1968 some 114,000 military with 95,000 civilians. The establishment of hiring limitations on civilian personnel in Public Law 90–364, July 1, 1965, limited the actual substitutions to about 90,000 civilian personnel, but the military positions had already been eliminated.

The Defense Department agrees that when the military forces have reached their post-Vietnam level, a civilian substitution program should be underway and carried out over a 3- to 4-year period. Plans to do this have already been initiated.

It appears, however, that a civilianization program would not be a major factor in achieving an all-volunteer force since, according to the estimates appearing in the Gates Commission report, about 70 percent of the potentially suitable positions for civilianization are located in the continental United States support elements of the Air Force and less than 6 percent in the Army, whereas the greatest problem in attaining an all-volunteer force is likely to be in the Army.

Mr. President, for the reasons cited I am opposed to this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time remains to each side?

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes. The Senator from Oregon has 20 minutes.

Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes. I do not care to yield or surrender it.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. STENNIS. I do not have any time. I have only 2 minutes.

Mr. HATFIELD. On my time, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I cannot help but wondering if raising the argument of a volunteer army as an argument against the amendment is anything but camouflage, because there is certainly nothing that commits a person to a volunteer army in this amendment. The amendment merely asks for a filling in of the general request in which the Senate has already asked the military, under the Scott amendment, for certain information.

I think that at a time when we see the question of trust being raised, through the New York Times publication of certain activities by the previous administration, this is a proposal which the Congress, and particularly the Senate, should welcome, and opponents should welcome the kind of information requested in the amendment.

To try to frustrate the adoption of this amendment and to try to influence Senators to vote against the amendment certainly, in my opinion, gives further credence to those who feel that the Congress, or the Senate, is under some kind of unnatural influence of the military.

If we want to argue a voluntary military, I am willing to argue it over again, but that is not the reason why I am offering this amendment. When we are told that we should study the effects of this amendment, I think those who oppose it have as much responsibility to know what they are talking about as those who propose it. I do not propose this amendment lightly. I do not propose any amendment without study. I do not propose any amendment without the ability to undergird it with facts and statistics. A lot of flailing of words, raising obstacles in people's thinking, is done because the evidence is so little and they raise emotional arguments.

This is not a question of a volunteer military. I defy anyone on the floor or anyone else to say that this is a volunteer military proposal under some sort of camouflage or disguise. People who raise these questions do not have enough evidence to argue the merits of the case. I think it also indicates the intransigent position that the opposition may have. I do not know of anything that will invite a filibuster more on the floor of the Senate and cause many to join in it than the specious arguments raised against this amendment.

The military is not going to live or die on this amendment. I am not going to live or die on the amendment. But it exposes this afternoon the kind of attitude that has been expressed here—that anyone who comes in who has been an advocate of a volunteer military or who has referred to the Gates Commission report immediately is under suspicion. I personally resent that kind of attitude as it has been expressed today.

I say also to my colleagues that when the day comes that we start making our judgments—and I fear we are already there—on our idea of individual sponsors, rather than the merits of the proposals, that is not the way to make a decision.

The implications here today are that we are mandating some new programs. I prefer to think that is forensics, debate tactics, rather than lack of understanding of what is going on in the military.

The implication has been made that somehow this is a guise for a volunteer military. The implication has been made that this is somehow a new idea.

The Senate is already on record as having asked for this basic kind of information, without the specifics. What this amendment would do is fill in the Scott amendment that we have already passed. Therefore, I challenge anyone who wants to take opposition to show me in evidence rather than in generalities where this is either a volunteer military amendment, or contrary to the wishes of the President of the United States, as if we all have to bow in some sort of kow-tow because the President says it.

Let us decide it on its merits. There has not been one bit of argument here today to knock down the amendment, other than that somehow it is associated with the Gates Commission, or that, because I have proposed it, it is somehow associated with a volunteer military.

This amendment does not do that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 3 more minutes. I think it may shock some people that my next amendment seeks more funds for ROTC scholarships. I am sure some sinister implication will be made that that is leading us toward an all-volunteer army, or toward an early end to Vietnam.

All I ask is that Senators read the amendment and argue on its merits, rather than getting into all these peripheral tangents we have been on this morning.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I have only 2 minutes remaining, but I shall use it to doubly assure the Senator from Oregon that I make no attack on him. He and I have been working on this matter for 6 weeks on this floor, and there is no effort on my part to refer to the Senator except in laudatory terms. I repeat, I have the greater respect for him.

Going back, Mr. President, this is a serious matter. These items were urged as a part of the background for a volunteer army, and I have accepted the verdicts that have been made here along that line. My argument now is largely on this basis: Let us abide by the request of the President of the United States, who is the father of the plan, for just a little more time to get these matters going and get them worked out, before they are placed, as I have stated, in concrete.

The Senator certainly missed the mark in talking about someone under the influence of the military. It is so easy to charge that. And it does not sound good to someone who happens to be in my position. I simply say the Senator could not be worse mistaken, and no one knows that any better than the military itself, and all its branches. I do not owe them anything, and they do not owe me anything. The Senator and I are both working for the country.

Mr. President, I think it would be a great mistake to set up here, in hard law, the requirements and demands that are set forth in this amendment. If it is going to be done that way, there are other matters that should be included.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I am glad to yield time to the Senator.

Mr. STENNIS. How much time?

Mr. HATFIELD. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. HATFIELD. I yield 5 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

As I say, if we are going at it this way, there are many other things that ought to be included here on an equal par, but I do not think any of them ought to be included until the real facts are developed and the proper basis can be laid to justify them, and also to justify the appropriation of money to carry these matters out.

That is the substance of what the Department of Defense is saying. They are asking now for time. They are asking for time, and it would be a great mistake, for the success of the so-called volunteer army, for us to jump the gun now, and crowd this thing too much. That is one reason why I have worked so hard here, trying to get a bill that carries at least 24 months, for at least a 24-month background, because I know that is necessary if the volunteer army concept is to be worked out successfully, and that 24 months is the minimum time necessary to give it a chance.

Four different times we have voted here on the duration of this extension. It is not unfair to the Senator from Oregon to point out that his position was that he did not want it extended at all. It was judged, though, that it is necessary, and with the same firmness and logic, I believe, I say now, that some time is necessary to get the basic plans in operation for a successful trial of a volunteer army. So those who are favorable to it, I think, should get in step, now, and say, "Well, we are going to give the President time to work this thing out."

We can reexamine it, then, during the course of achievement, one might say. Six months or a year from now, of course, we will be examining it. I know they are going to work hard on these matters, but I think they are entitled to a chance.

I thank the Senator again, and I yield back whatever time I did not use.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

I would only say in response to the Senator's comments that we have had the draft for more than 20 years. I cannot understand why he implies that there is some way this amendment is going to rush us into anything. We have had the draft for more than 20 years, and during that period of time, the military has been very alert in understanding its problems of recruitment. I say that because I happen to have been a military adviser on a college campus for a number of years, and made arrangements for recruiting officers of all branches of the military to visit the campus and talk with our students. I have visited other campuses, and know they have been programing many, many experimental methods in recruitment, inducing reenlistments, and all other ways of recruitment of personnel.

The military is not being asked to undertake any new program by this amendment. The military is not being asked to do anything it is not already doing. I have yet to hear anyone address himself in opposition to the amendment itself. We have heard many speeches today on other subjects, but not on the amendment. We have heard speeches on the volunteer military, but this amendment has nothing to do with that. It merely is asking for information. All it does is to undergird the decision that we made previously when we passed the Scott amendment. That is all the amendment does.

I think if one looks at the following amendments, one will see that this is a part of a series. I ask, in the next amendment, for an increase in ROTC scholarships. One cannot call that an antimilitary establishment amendment. Neither is this amendment. This amendment merely asks that we be provided with information on experimental programs that are going on now in the military.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. I yield myself 2 more minutes.

I really feel, Mr. President, that if I were to reduce the point here in debate to its most simplistic terms, it would be, "If you do not want to know, vote nay. If you want some information, and want some basis on which we can take the judgments that we are going to be called upon to make in Congress, vote yea." Because that is all this amendment proposes to do, is to ask for information.

Mr. TOWER. Mr. President, I regret that I cannot give my support to the amendments presented by the distinguished Senator from Oregon (Mr. HATFIELD) to H.R. 6531 concerning recommendations by the Gates Commission.

I am a strong supporter of the volunteer army concept and am fully hopeful that the President will be able to achieve this objective by July 1973. Furthermore, I believe there is an excellent chance that a zero draft can be achieved before that date.

There is no doubt in my mind that President Nixon, Secretary Laird, and other Government officials involved in military manpower matters are firmly committed to the volunteer army objective. The President's recommendations for military pay increases certainly confirmed his support for the concept. Furthermore, the action taken by the Congress in adding to the President's recommendations have confirmed the legislative branch's support for changing the emphasis away from the Selective Service System.

The amendments presented today by Senator HATFIELD are intended to carry out a number of recommendations emanating from the President's Commission on an All-Volunteer Force.

While I have great respect for the members of that Commission and for the excellent work they produced, I do not

feel that their recommendations represent the only path to take in order to meet our objective. As the chairman of the Senate Armed Services Committee stated earlier today, these amendments were not presented to the committee when it was considering this bill. If the President thought that the substance of these amendments were necessary to achieve the objectives of a zero draft and the volunteer army, the administration would have followed through appropriately by presenting them to the Armed Services Committee during the period of hearings and deliberations on this bill.

Mr. President, the administration has presented us with a formidable plan to phase out the draft and substitute it with a professional volunteer force. If this were not the case, these amendments would be most appropriate. I believe, therefore, it is better to allow the executive branch to carry out its plan which I am convinced will result in success. It is for this reason that I urge the Senate to defeat these amendments.

The PRESIDING OFFICER (Mr. MONTOYA). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 135) of the Senator from Oregon (Mr. HATFIELD). On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) is absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Delaware (Mr. BOGGS) is necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 42, nays 45, as follows:

[No. 101 Leg.]

YEAS—42

Aiken	Hart	Packwood
Baker	Hartke	Pastore
Bayh	Hatfield	Pearson
Beall	Hughes	Pell
Burdick	Humphrey	Percy
Case	Inouye	Prouty
Cook	Javits	Proxmire
Cooper	Jordan, Idaho	Ribicoff
Cotton	Kennedy	Roth
Cranston	Mansfield	Schweiker
Dole	Mathias	Stevens
Gambrell	Miller	Stevenson
Gravel	Montoya	Taft
Griffin	Moss	Williams

NAYS—45

Allen	Ellender	McIntyre
Allott	Ervin	Metcalf
Anderson	Fannin	Mondale
Bellmon	Fong	Muskie
Bennett	Goldwater	Randolph
Bentsen	Gurney	Saxbe
Bible	Hansen	Smith
Buckley	Harris	Sparkman
Byrd, Va.	Hollings	Stennis
Byrd, W. Va.	Hruska	Symington
Cannon	Jordan, N.C.	Talmadge
Curtis	Long	Thurmond
Dominick	Magnuson	Tower
Eagleton	McClellan	Weicker
Eastland	McGee	Young

NOT VOTING—13

Boggs	Fulbright	Scott
Brock	Jackson	Spong
Brooke	McGovern	Tunney
Chiles	Mundt	
Church	Nelson	

So Mr. HATFIELD's amendment (No. 135) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today he presented to the President of the United States the following enrolled bill:

S. 575. An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

AMENDMENT NO. 136

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous unanimous-consent agreement, the Chair now lays before the Senate amendment No. 136, which will be stated.

The assistant legislative clerk read as follows:

On page 35, between lines 4 and 5, insert the following:

SEC. 107. Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000,

"Navy program: 10,000,

"Air Force program: 10,000."

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 123 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on amendment No. 123.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, will the Chair announce to the Senators present the time available for each side?

The PRESIDING OFFICER. There are 30 minutes available to each side.

How much time does the Senator from Oregon yield himself?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment would increase the ROTC scholarships to 10,000 per branch of the armed services a year.

Each branch of the Armed Forces has 4,500 ROTC scholarships annually to distribute among the Nation's colleges.

As we know, nearly 90 percent of our officers come from college graduates.

Approximately 65 percent of our officer corps were college graduates in 1965.

Twenty-six percent were ROTC graduates.

While about 3 percent of our officers entering the Army come from West Point and approximately 6 percent entering the Navy come from Annapolis, their retention rate is very high and there is no foreseeable need to increase the size of the academies.

There would be a tremendous cost factor involved in increasing the size of the academies. I will not go into the estimates because there are variations. However, I think the thing to bear in mind is that even though some of the ROTC programs have lost their attractiveness to some young men on the college campuses, we are still dependent upon the ROTC to produce a high percentage of our officers.

It is my understanding that a number of colleges and universities that originally prohibited or withdrew from ROTC programs now want them to return to their campuses. I am very hopeful that we are going through only a short phase of hysteria and irrationality in relation to the incidents we have read about where ROTC billets have been stoned or burned or some other violence has occurred around ROTC buildings. I do not think our judgment should be based upon these incidents. We must still look to the college campuses for our officers.

Those who are concerned about militarism in this country should be the strong-

est advocates and supporters of our ROTC programs because it is within the civilian environment on the campus that the officers can be recruited and maintain the so-called balanced viewpoints that come from the training of civilians for the military.

Mr. President, I have always been impressed by the outstanding performance of the ROTC programs whereby I have had the chance to review and to become personally involved in understanding what they are doing and knowing the caliber of men they produce. I am of the opinion that we have produced some of the finest officers in all branches of the service from the ROTC activities.

It is also well known that we have to attract more men into officer programs. The Gates Commission—and I am a little reluctant to refer to that Commission's report—did provide us with a good deal of study and statistical material. It indicates that we have a good retention rate within the officer corps, the highest coming from West Point and Annapolis and the Air Force Academy. The next highest comes from the ROTC programs. The next comes from the officer candidate school programs.

If anyone wishes to ask questions concerning the numbers involved, we have the statistics available. I will not go into each of them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 additional minutes.

Mr. HATFIELD. Mr. President, we have a good retention rate within our ROTC.

I firmly believe that if we could increase our ROTC scholarships from 4,500 for each service at the present time to the 10,000, as proposed in my amendment and as recommended by the Gates Commission, we would have a stable supply and a more equitable supply of officers coming into our military services.

Mr. President, again let me just merely add as a reference here to the military branches themselves that they are fully appreciative of the need to attract more young men into the ROTC programs. They are fully appreciative of the fact that we have more applicants for the ROTC scholarships than we have scholarships. Instead of a matter of trying to lure young men necessarily into the service for a career, the amendment provides greater ability for the services to accommodate the requests and the applications they presently have.

I think also it will give rise to the expansion of ROTC programs. It will encourage expansion of them as well as increasing the number of personnel in these ROTC programs who have scholarships.

Some of us perhaps have a secondary interest in the pending amendment because it will help in a number of cases where young men could not perhaps otherwise obtain an education. It would provide for economic assistance to needy students who would qualify through their mental and other examinations for an ROTC appointment and who otherwise might not have that opportunity.

I was reading the other day a story of why Dwight D. Eisenhower chose West Point over the objections of his parents who belonged to a historic peace church and who were pacifists. He did this because he knew he did not have the opportunity to obtain an education in the general education market based upon the economic conditions of his family.

I am sure that today we have many young men who would qualify for ROTC scholarships and would have the opportunity therefore not only for an education but also an opportunity to serve their country as officers in one of the branches of the military service.

Again, let me emphasize the point that this is something the services could use.

I suppose one of the first questions we should consider is the price tag involved. That is estimated to be about $25 million according to the Defense Department for this scholarship increase. But I think it is well worth it, and I urge Senators to consider the fact that we can vote for weapons systems and they will only be as good as the personnel who handle them and manage them. We should be that much concerned with the personnel who are given the responsibility in our service for handling those weapons systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. HATFIELD. Mr. President, therefore, looking at the overall needs of the military today and projecting them into the future, I hope we might undertake this additional ROTC scholarship program by moving it from 4,500 per year to 10,000 per year.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I am glad we have even this much attendance as we go into some of these amendments. I shall be as brief as I can.

The ROTC expansion program is something in which I am vitally interested, along with many other Senators. It is something to which I have decided to give some extra time. I plan to go out, if I possibly can, and make a few speeches encouraging the idea of students going into the ROTC.

One of the most immediate considerations is that there must be a better climate and atmosphere created on the campus to encourage young people to go into the ROTC. Another thing I have in mind is to get this program expanded so as to include the junior college students. That is where some of our finest talent in the country is to be found. They are capable of making the finest officers, and I do want to expand the program to include them. We must have more junior officers. I think the ROTC is the best way and the cheapest way to get them.

With all deference to the Senator's amendment, which provides there shall be an increase in the number in the three services and on the same basis, a need has developed that is different from that. The Senator from Maine and I have a bill which we have introduced. I have the bill before me. It is the administration bill. We have not held hearings on it and I would not vote for it myself without hearings. I think the Senator from Maine and all members of our committee would have to know more about what we are doing and how it is going to be apportioned.

A new system is proposed here that, in short, authorizes ROTC students in each service to the extent of 10 percent of the authorized active duty strength for officers in that military department.

Right now, incidentally, the bill about which I am talking is the subject of hearings in the House. They are working on these formulations and this change.

As I understand further the selections are already in the process of being made for the next scholastic session. I do not think any bill we could pass this summer would be passed in time. These students have to be selected. I know the process. It would be the end of June before this bill would become law and so near the end of the session that I do not think any bill is going to affect very much the students for the session beginning in September, although I would not say it is impossible.

I do want hearings to be held on this matter and I hope we have an expanded ROTC program so as to include the 2-year junior college students. I believe it can be done. I believe it must be done. If they get the bill they want the amount would be higher for the Navy than they would need. For the Army the Hatfield amendment would not be quite high enough, that is, by fiscal year 1975.

These variations show how this will vary and gradually climb according to the new plan. I am not opposed to the idea of the increase; I favor it. But I favor a better system and a better plan of apportionment.

There is another bill which has not been introduced yet. It would provide subsistence for ROTC students. I do not know how far they propose to go, but that is part of the plan.

The scholarship program and the subsistence program, if they go into effect for fiscal year 1972, will bring about an increase of $6 million under present plans. That would be a start on this plan that I think could be called a greatly improved plan.

I hope we might see fit to wait and at least adopt some version of that proposed plan. I think we can almost be certain to get that plan before the Senate some time during this calendar year. As I said, I think it does not make much difference which one is agreed to. It is not going to affect very substantially the forthcoming year for ROTC students.

I wish to mention one matter in connection with the wording of the amendment. The amendment applies only to ROTC students; is that correct? The wording actually speaks of midshipmen and cadets, and it is misleading to a degree, but it applies only to ROTC students; is that correct?

Mr. HATFIELD. Only ROTC students.

Mr. STENNIS. Yes.

Mr. HATFIELD. Of course, there is the Navy ROTC. They have special titles.

Mr. STENNIS. Yes. But it is odd language. I know it is already in the law and the Senator followed the law and the terms used. I thank the Senator.

Mr. President, I have a letter from Roger T. Kelley, Assistant Secretary of Defense, Manpower and Reserve Affairs. He outlines the substance of what I have said. I ask unanimous consent that his letter dated June 4, 1971, may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 4, 1971.

Hon. JOHN C. STENNIS,
Chairman, Armed Services Committee,
United States Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I was asked to explain why the number of ROTC scholarships in S. 1226 was established at 10% of the authorized active duty strengths in the Military Departments.

We believe that the number of ROTC scholarships authorized by S. 1226 will provide sufficient junior officers to supplement the officer production we anticipate from non-scholarship ROTC and related college officer procurement programs such as the Marine Corps PLC program. In order to maintain the output of the non-scholarship programs at an adequate level, the Department of Defense sponsored legislation to increase subsistence allowances for senior ROTC and provide subsistence allowances for the Marine Corps PLC program. We expect to forward shortly a legislative proposal to provide subsistence allowances for the Navy's ROC and AVROC program. The combined effect of these legislative proposals should provide an adequate supply of junior officers. If the number of ROTC scholarships in S. 1226 were raised to 20% or 30% of active duty officer strength, we would be spending more money than necessary to meet our ROTC production needs.

At the present time the Army, Navy and Air Force are each authorized 5,500 ROTC scholarships for a total of 16,500. There were 15,400 enrollments in FY 1971. On the basis of the 10% formula we would gradually increase ROTC scholarship enrollments to about 33,400 by FY 1976, which would more than double current enrollments.

Assuming S. 1226 and S. 1225 are enacted, we estimate that commissions from ROTC during FY 1972–1976 will be as follows:

Fiscal year	Scholarship	Non-scholarship	Total	Percent scholarship
Current 1971	4,207	14,451	18,668	22
1972	4,428	10,259	14,687	30
1973	5,837	8,500	14,337	41
1974	6,981	8,500	15,481	45
1975	7,328	8,500	16,927	46
1976	8,427	8,500	16,927	50

As shown in the above table, under the 10% formula in S. 1226, 50% of the ROTC commissionings will be from the scholarship program by FY 1976. The bill provides that the maximum number of scholarships may not be more than 10% of the authorized active duty officer strengths of the Military Departments. If sufficient production of ROTC graduates can be maintained using less than the maximum number of grants, we will use the lower amount. Since the program would gradually increase to the maximum, we will be able to judge if a number less than 10% will meet our objectives.

Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227 should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

Your support of our vital manpower programs is very much appreciated.

Sincerely,

ROGER T. KELLEY.

Mr. STENNIS. Mr. Kelley gives the figures as to what they will need. He has a summary proposing a number of ROTC scholarships based upon the enactment of S. 1226. His figures show for fiscal year 1972 that the number is 6,500. That would be some increase over the present law of 5,500. I am speaking of fiscal year 1972. This relates to the present system and the figure goes up from year to year, with more in the Air Force and the Army than in the Navy, because the Navy does not have the demand.

Those are the facts and we lay that before the Senate for decision. Do we just come in and raise it under the old system or shall we take this approach which was based on factual developments and enact a broader plan than called for by the Senator?

I think there is a tremendous difference between those two programs. I heartily support the administration plan, and hearings are being held now in the House of Representatives

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I would like to respond to the Senator from Mississippi. I am very sorry if there was any misunderstanding with reference to the midshipmen or cadets. In the case of the Navy, it refers to midshipmen; in the case of the Army, it refers to cadets.

Mr. STENNIS. Yes. It is in the present law that way, but all the Senator asked was if this was for West Point and Annapolis.

Mr. HATFIELD. And, secondly, we use the existing language there. It is a matter of including both the Navy and the Army. We have the Air Force included. It is three separate programs.

I am glad to know the Senator is in support of the concept embraced in the amendment, even though he cannot vote for the amendment.

I would like to say his objection and his reason for wanting to postpone action I do not think is valid, for the reason that we are not undertaking any new program. The ROTC program is already a program established and underway. We have had evidence and statistics to prove that we have more applicants than slots for awarding ROTC scholarships. We are not floundering around here.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. HATFIELD. I yield.

Mr. DOMINICK. When the Senator started his statement he said this amendment was to provide for more ROTC's.

Mr. HATFIELD. Scholarships.

Mr. DOMINICK. As I read the Senator's language—and I want to be sure of this—it gives the ROTC program the right to go up to this limit. In other words, the Senator is setting a maximum.

Mr. HATFIELD. That is the wording of the present law.

Mr. DOMINICK. And if the Department of Defense did not want to go beyond what they have until they wished to, the Senator's amendment, if adopted, would not necessarily affect them; but if they wanted to go up, they could?

Mr. HATFIELD. The Senator is correct. This is not mandatory. They would not have to order 10,000. All we have done is taken the language of the present law, which uses the figure 4,500, and advanced that figure to 10,000. That is the whole proposition. If they do not want to select that number, they do not have to select that number.

As I have said, there are more applicants than they have slots to fill, or the 4,500 figure is much lower than the applications. From what I have been told, there are many qualified young men they would like to award scholarships to, but cannot because of the limitation of 4,500.

Mr. DOMINICK. Can the Senator answer this question for me as a matter of information? Does he have any idea how much it would cost if this amendment were adopted?

Mr. HATFIELD. Yes; $25 million if all 30,000 were fully implemented.

Mr. DOMINICK. I thank the Senator.

Mr. HATFIELD. I thank the Senator for bringing these points out.

This amendment will not affect the 1975 projections. The Senator from Mississippi indicated that the plan he has in mind might increase by 1975. This is certainly adjustable. It is not a full commitment that is going to have to prevail through 1975. All we are doing is lifting the limitation now from the existing 4,500 level to 10,000. If any branch of the service does not want to take advantage of that number, that service is not required to do so.

Again, let me emphasize the point that we have now many qualified young men who are desirous of an ROTC program and scholarships, but who are not able to acquire one simply because of the limitations we have at the 4,500 level.

The Senator has said we ought to encourage young men to go into the military. I agree with the Senator from Mississippi. This is one of the best ways to encourage young men to go into the military service—through the ROTC programs.

I want to emphasize again that I think we have turned the corner—I am hopeful we have turned the corner—in this Nation with respect to the irrational, idiotic, irresponsible, illegal, unlawful, and every other adjective you want to ascribe to it, outbursts against the ROTC programs that we have seen on our college and university campuses.

Also, it does not represent the overwhelming majority of the campuses. It represents a minority of the campuses where these unfortunate and certainly terrible incidents have taken place.

I feel it would be a very important step forward to encourage young men, and I think it would bring into the service the abilities of many young men today, who otherwise would not achieve an education. I think we could achieve many objectives with this kind of amendment. I do not believe the Senator from Mississippi would indicate that today the military branches of the armed services would be opposed to the amendment. In fact, the Senator has said he agrees with the concept, but perhaps not with the timing or the formula.

We are not establishing a new formula. We are not establishing a new procedure. We are only amending the limitation of 4,500 which is now the ceiling and the lid for the number that can be accommodated in any one branch of the service.

Mr. STENNIS. Mr. President, I yield myself 10 minutes. The Department of Defense is opposed to amendment No. 136. I have it here in writing.

This letter says that there is an authorization of 5,500 ROTC scholarships for each of the military departments.

Then I have a letter here from the Assistant Secretary of Defense, Mr. Kelley, that I referred to a few minutes ago, which explains the administration bill. One paragraph reads:

> Some experience with enrollments under the increased subsistence payments in S. 1225 and S. 1227—

They are the bills I referred to a minute ago—

> Should also put us in a better position to judge the adequacy of the 10% formula for ROTC scholarships. I can assure you that if the need arises, the Department of Defense will request further increases in the number of ROTC scholarships. For the present, I consider the 10% formula adequate.

He had already said in the letter, in another place, in substance, that they just could not crowd it all in at once, anyway.

Mr. President, I point out another fact. Whatever program we adopt this year ought to include the idea of getting this talent, these potential resources, from the junior colleges. It is an important point. The law permits the subsidized ROTC students only in colleges and universities that have 4 years of college work. It has always been limited to that, but our bill proposes—and I believe that bill will be back here on the floor in time—that the junior college students who go on to senior colleges to take their last 2 years of college work will be ineligible for subsidized ROTC scholarships in all the services, and they will take what is called an accelerated program. They will have to give it more time and hours per week than those who have been in the 4-year colleges all the time.

But it will be a splendid inducement. A number of these young men from the junior colleges are far from the upper income levels, and some of them have to give time to working their way through. This subsidized ROTC scholarship will be very attractive from that standpoint, and I think it will be very productive indeed in acquiring talent, dedication, and ability in the particulars that are so much needed in our junior officer corps.

So in this case, though it will take a few more weeks until we can get to a House bill, I plan for us to await the House bill, and whatever disposition they make of it. They are holding their hearings, and I think their bill will pass and come over here, and we will have the benefit of the hearings they are holding and such additional hearings as we may see fit to hold, and in time have an augmented program, an accelerated program, and one that has these additional advantages to which I have already referred.

I do not think there is anything more that I can say, except to go back to the proposition here that the Department of Defense opposes this amendment, for the reasons that I have stated; and one of those primary reasons is that they want this percentage program worked out on this basis, and to make the junior colleges eligible.

The Senator from Maine (Mrs. SMITH) has been detained and could not be here, but I am authorized to say for her that she supports the bill she and I introduced, to which I have already referred.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I am opposed to the pending amendment offered by the distinguished Senator from Oregon (Mr. HATFIELD), on the grounds that it deals with each of the three services equally rather than separately.

The amendment would increase the number of ROTC financial assistance grants from the present 5,500 for each of the Services to 10,000 for each of the services.

Because the services are of different size and have different officer needs, this amendment will allow more for the Navy than it needs and less for the Army than it needs. The Air Force would also receive an insufficient number of grants under this amendment.

There is pending legislation, S. 1226, which would increase financial assistance grants to a maximum number equal to 10 percent of the officer strength ceiling of each of the services. The difference would vary. This legislation would more properly meet their needs than trying to set a single figure for all three departments.

S. 1226 also provides that some of these scholarships could go to 2-year programs in junior colleges. This is an important feature of S. 1226 which is not contained in the Hatfield amendment.

Mr. President, for these reasons I am opposed to amendment No. 136.

Mr. HATFIELD. Mr. President, I am ready to yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. STEVENSON). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 136) of the Senator from Oregon (Mr. HATFIELD). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG), are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), and the Senator from Delaware (Mr. BOGGS), and the Senator from New York (Mr. BUCKLEY) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Utah (Mr. BENNETT). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Utah would vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 40, nays 44, as follows:

[No. 102 Leg.]

YEAS—40

Aiken	Hartke	Pearson
Baker	Hatfield	Pell
Bayh	Hughes	Percy
Burdick	Humphrey	Prouty
Case	Inouye	Proxmire
Cook	Javits	Roth
Cooper	Jordan, Idaho	Schweiker
Cranston	Mansfield	Stevens
Curtis	Mathias	Stevenson
Dole	McGovern	Symington
Dominick	Miller	Taft
Gravel	Mondale	Weicker
Harris	Muskie	
Hart	Pastore	

NAYS—44

Allen	Fannin	Metcalf
Allott	Fong	Montoya
Anderson	Gambrell	Moss
Beall	Griffin	Nelson
Bellmon	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Bible	Hollings	Saxbe
Byrd, Va.	Hruska	Smith
Byrd, W. Va.	Jordan, N.C.	Sparkman
Cannon	Kennedy	Stennis
Cotton	Long	Talmadge
Eagleton	Magnuson	Thurmond
Eastland	McClellan	Tower
Ellender	McGee	Young
Ervin	McIntyre	

NOT VOTING—16

Bennett	Church	Scott
Boggs	Fulbright	Spong
Brock	Goldwater	Tunney
Brooke	Jackson	Williams
Buckley	Mundt	
Chiles	Packwood	

So, Mr. HATFIELD's amendment (No. 136) was rejected.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER and Mr. THURMOND moved to lay the motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 164

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Under the previous order, the pending business now is amendment No. 164 of the distinguished Senator from Ohio (Mr. SAXBE), which the clerk will state.

The assistant legislative clerk read as follows:

On page 31, between lines 23 and 24, insert the following:

"(28) Section 10 is further amended by adding at the end thereof a new subsection as follows:

"'(h) If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is presently constituted, shall, nevertheless, be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency, and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.'."

Remember paragraphs (2) through (32) of section 101(a) of the bill as paragraphs (3) through (33), respectively.

The PRESIDING OFFICER. On this amendment 10 minutes are allocated to each side.

Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Ohio yield me 2 minutes?

Mr. SAXBE. I yield.

Mr. STENNIS. I need only a minute.

Mr. President, I think this is an important amendment. It has not been in very long. The Senator from Ohio is very familiar with the subject, as he has dealt with it for many years. It is possible that we will not need to have any extended debate and can dispose of the amendment in a few minutes.

I thank the Senator for yielding to me and, Mr. President, I ask for order in the Senate so that the Senator from Ohio may be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, under the act of 1967, there is a clause which says that in the event the Selective Service shall make no call, it would go to a standby status. This amendment merely clarifies that and extends it to the Reserves presently maintained.

Very few people are aware of the fact that there is a Reserve in both the National Guard and in the Reserves. They are earmarked—and that is the very word used—for Selective Service assignment. They train in the National Guard with what is known as a State staff, and in the Reserves with what is known as a special unit, where they spend their training periods and their yearly camp periods on assignment to Selective Service Headquarters, familiarizing themselves with the operation of the Selective Service System.

The reason was, in 1940, when the Selective Service was invoked, there was no one trained in the operation of Selective Service, and to set this rather involved headquarters up took a tremendous period of time which embarrassed the war effort tremendously and especially in regard to the selectees sent in and the delays and the paperwork that were necessary.

These units, with which I had experience and commanded over the years, are officers from the various branches of the service and are not commissioned in the Selective Service, but could be infantry officers in the Army, or they could be Navy, Marine Corps, or Coast Guard officers.

They train in this field and are qualified to go into State headquarters and be an assistant director or a State director, a fiscal or a procurement officer, or a manpower officer to fill these vacancies.

As we go into a volunteer army, I do not think there is anyone that wants to junk Selective Service—that is, to put it completely out of business. We want to keep the records up and the registrations and certainly we want to keep trained personnel that can operate the system.

It was considered that there be a civilian reserve, but a civilian reserve would leave us helpless to bring people in if they have moved from their locality, they are no longer interested, they have a better job, or have any one of a million other personal reasons they are not available.

But a military reserve at all times gets its trained personnel. Every person in the unit is a volunteer. Every person is working at a civilian job. He is not, as in some of the services, a full-time government employee. Of course, there are some who do come from government, such as in the Post Office or something like that, but they are employed outside of the military practically 100 percent.

There are at the present time 1,311 such personnel in this country. I do not believe there is any intention to do away with this reserve.

This merely sets out that they will continue to operate as they do, on a part-time reserve basis.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. HRUSKA. Mr. President, the language of the amendment says that there shall be maintained as an active standby organization with a complete registration and classification structure capable of immediate operation, and so forth.

It is not contemplated that registration shall be maintained. It is only the structure and the organization, the equipment, the procedures, and the manuals that are necessary to initiate registration if and when a national emergency comes.

Mr. SAXBE. The Senator is correct. Whether or not registrations are to be maintained will be a decision when we go to a volunteer army. It is not involved in this discussion at the present time.

Mr. HRUSKA. So, the Senator's amendment does not include the actual registration of potential inductees.

Mr. SAXBE. This is the language that comes out of the act of 1967. At the present time, I believe they do contemplate a continuation. But that would have to be decided at such time as we go to a volunteer army.

Mr. HRUSKA. Mr. President, I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, may we have the attention of the Senate?

This amendment has very limited application as I understand. I would like to have the Senator from Ohio answer some questions. As I understand, this would not affect more than 1,200 men.

Mr. SAXBE. One thousand three hundred eleven officers are now so earmarked.

Mr. STENNIS. The continuity the Senator wants here as I understand, is because of the variations in the number of men called even now, and with the volunteer army the number we need from time to time will vary. The Senator wants continuity in operations rather than a total disbanding of this force.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, to save time, the continuation would not mean that these men would be drawing full-time pay, but they will be merely held together and rendering their monthly drill service time and military time and be paid as any other reservist for the time they render. Is that correct?

Mr. SAXBE. The Senator is correct.

I might add that were the units disbanded, these men would revert to their regular branch of the service and would continue to serve. This amendment continues these people in the particular earmarked service for which they are trained in respect to the operation of selective service.

Mr. STENNIS. They have already been drawn out of the ordinary channels and have been put into this organization. As long as they are needed, they will continue in full-time employment.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, when the slack comes, they will not continue to draw their pay, but will be held together as a unit in the Reserve and be paid only for such drill time as they may put in each month.

Mr. SAXBE. Mr. President, I want to correct a misconception. They do not work full time now in the Selective Service. They are part-time, weekend soldiers at the present time. There are people in here who are car salesmen, bankers, and lawyers. It is like any other Reserve unit. They are only earmarked. Their training program comes from the National Selective Service headquarters rather than from their particular military branch.

Mr. STENNIS. Mr. President, even though this is repetitious, for the sake of emphasis, we do have these stop and go calls now. There are many more some months than others. If this volunteer

army concept builds up, it will become even more uncertain. They may go 2 or 3 months and not have to call anyone. Then they will have to go back and call some more later.

Mr. SAXBE. Yes. Should the pay increases work, as some have indicated here, and if the calls were reduced to zero, there would be a reduction in the work force of selective service as to the new act of Congress, they would be reduced. This group would continue to operate just as they do now, drilling once a month, going on active duty for 2 weeks a year, training for emergency, and they cannot be called up except in an emergency, just as the other National Guard or Reserve units.

Mr. STENNIS. Mr. President, repeating again, the purpose is to keep them in this special category and also have a provision that they will have this monthly training.

Mr. SAXBE. The Senator is correct.

Mr. STENNIS. Mr. President, the Senator is suggesting this from his personal knowledge and experience acquired over many years, or several years at least, with this very activity.

Mr. SAXBE. The Senator is correct. I joined such a unit in 1959 and continued in it until I came here. During that period of time we trained a number of officers and did serve as a pool for training personnel who were available, if they desired, to go into national headquarters or into auditing or some other aspect of selective service. It is a training ground.

Mr. President, if there are no other questions, I am prepared to yield back the remainder of my time. I have not asked for the yeas and nays. I would be willing, with the agreement of the chairman of the committee, to submit the amendment to a voice vote.

Mr. STENNIS. Mr. President, I do not know of any other questions. I hope that we have been able to acquaint the Senate with the amendment. The Senator from Ohio is very familiar with this subject. I believe that he has made it clearly understood. I believe that we can agree to the amendment by a voice vote. I would be willing to yield back the remainder of my time.

Mr. SAXBE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (putting the question).

The amendment was agreed to.

AMENDMENT NO. 139

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate amendment No. 139 which will be read.

The legislative clerk read as follows:

On page 24, line 15, strike out the quotation marks.

On page 24, between lines 15 and 16, insert the following:

"(f) For the purposes of this Act, a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder."

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

"'PROCEDURAL RIGHTS

"'SEC. 22 (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

"'(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

"'(c) A quorum of any local board or appeal board shall be present during the registrants' personal appearance.

"'(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

"'(e) Each registrant shall further have the right to be accompanied and advised by private counsel before any such board. If any registrant is financially unable to provide his own counsel, upon his request such counsel shall be made available without charge, under such rules and regulations as the President may prescribe.'"

Mr. KENNEDY. I ask unanimous consent to modify my amendment as follows:

Delete lines 1 through 8 and renumber the other lines accordingly.

On page 2, line 17, delete the word "represented" and in its place insert "be accompanied and be advised".

Furthermore, to delete the words on line 17 after the word "counsel," and starting with the word "If" through the rest of the paragraph through line 21.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

Will the Senator please send his modifications to the desk?

Mr. KENNEDY. I am glad to do so.

The amendment, as modified, is as follows:

On page 33, between lines 13 and 14, insert the following:

"(33) At the end of the Act add a new section as follows:

"'PROCEDURAL RIGHTS

"'SEC. 22. (a) Each registrant shall be afforded the opportunity to appear in person before the local or any appeal board of the Selective Service System to present testimony or other evidence regarding his status.

"'(b) Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

"'(c) A quorum of any local board or appeal board shall be present during the registrant's personal appearance.

"'(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

"'(e) Each registrant shall further have the right to be accompanied and be advised by private counsel before any such board.

Mr. STENNIS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

Mr. STENNIS. Mr. President, this is an important amendment and it will involve some debate. We may be able to yield back some of the time.

The amendment involves the procedure before the board and the right to have an attorney, and other procedural matters. These are important matters and they cannot be disposed of quickly.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY, Mr. PATTEN, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, Mr. CONTE, and Mr. Bow were appointed managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, will the Senator yield to me for one-half minute?

Mr. KENNEDY. I yield.

REQUEST THAT 5-MINUTE WARNING ON VOTES BE OBSERVED

Mr. STEVENS. Mr. President, on the vote on the last Kennedy amendment five of us could not make the rollcall because we relied on the 5-minute warning. I would like to ask that the 5-minute warning be a full 5 minutes because, relying on the 5-minute warning we came over to vote and found when we arrived that the vote had been completed.

I am not being critical, but we did rely on the 5-minute warning and we thought we had a full 5 minutes. However, when we arrived the vote had been completed and we could not cast our votes on the Kennedy amendment. If we are to have the 5-minute warning, I ask that it be 5 minutes.

I thank the Senator for yielding.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the American system of justice, grounded in fundamental standards of fairness and due process, is without question the principal guardian of our individual freedom. The most fundamental tenet of American due process is that no person shall be deprived of life, liberty, or property without the right to be heard in his own behalf, both on the level at which initial

decision is made and on the level of appeal to higher authority.

At either level, a fair and just decision, based upon a complete and accurate appraisal of the facts, is totally impossible unless the individual is allowed to present his case before those who would decide it.

Yet, today the Selective Service System operates on a totally different concept. Under selective service regulations:

There is no right to a personal appearance at the appellate level.

There is no requirement that a quorum of the local board or the appellate board be present at personal appearances.

There is no requirement for a written statement of the reasons for decisions to be given the registrant.

There is no right to present witnesses at local or appellate levels.

There is no right to counsel.

The basic requirements of procedural fairness dictate that these minimal guarantees be available to a registrant.

For it is one thing to allow an individual the right to a hearing and a totally separate and distinct situation when one seeks to allow him the right to a fair hearing.

Affording the right of personal appearance at the local board level is a fundamental prerequisite of due process, but it falls far short of meeting all that due process requires.

If justice is to be served, the individual faced with the loss of substantial liberty or property must be permitted the means to present his case effectively.

My amendment seeks to enable the registrant to just that.

It would permit a registrant the opportunity to appear in person at the local and appellate level.

It would permit the registrant the right to present witnesses.

It would require that a quorum be present during the registrant's personal appearance.

It would require that decisions of local and appellate boards be accompanied by a written statement of the reasons for the decision.

It would give registrants the right to an attorney.

In these ways, we would be giving registrants whose involvement in the Selective Service System carries with it the risk of death, the same rights that we give corporations who seek broadcast licenses, the same rights we afford defendants involved in the most petty crimes, the same rights that we afford individuals appealing income tax rulings.

I think it is appropriate to note that for these reasons a committee of the American Bar Association has endorsed my amendment. The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities has also passed a resolution to that effect and filed a memorandum in support of my amendment.

I have been heartened by the quantity of support this proposal has received. I have a letter from Mr. Robert Turtle, who is the chairman of the American Bar Association Selective Service project.

I ask unanimous consent to include at this point in the RECORD the letter from Mr. Turtle as well as a memorandum that has been prepared by the Committee on Civil Rights and Responsibilities of the American Bar Association.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

JUNE 18, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities of the American Bar Association has adopted the attached resolution on the basis of the material contained in the attached Summary of Arguments. The resolution and material will be presented for adoption by the entire Association at its annual meeting this summer. In the interim the Committee wishes to express its support for and endorsement of your proposed amendments to H.R. 6531. These amendments are the minimum requirements to insure that procedural due process and fundamental fairness will have a place in the Selective Service System. In our opinion, these amendments will not unduly delay the Selective Service processing of a registrant, and may, in fact, serve to expedite that process.

Sincerely,

ROBERT H. TURTLE,
Chairman, ABA Selective Service Project.

RESOLUTION OF THE COMMITTEE ON CIVIL RIGHTS AND RESPONSIBILITIES OF THE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES OF THE AMERICAN BAR ASSOCIATION

Whereas, it is the firm conviction of the members of the Committee on Civil Rights and Responsibilities of the section of Individual Rights and Responsibilities of the American Bar Association that the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings is a denial of fundamental rights which have been a long-standing tradition of the American system of justice; and

Whereas, this procedure is totally unauthorized by the Selective Service Act of 1967, and for this reason is an invalid exercise of administrative discretion; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with the possible loss of substantial rights, including his liberty, is an infringement of the fundamental rights of due process which are guaranteed by the Fifth Amendment to the United States Constitution; and

Whereas, the denial of counsel in proceedings wherein a registrant may be faced with reclassification which is basically punitive in character and from which the registrant's only form of judicial recourse may be as a defense to criminal charges for refusal of induction, represents an infringement of rights guaranteed by the Sixth Amendment to the United States Constitution; and

Whereas, it is the firm conviction of the committee that the denial of such a fundamental right at local board hearings cannot be justified by the needs of national defense or administrative efficiency, be it hereby

Resolved, that the members of the Committee on Civil Rights and Responsibilities of the Section of Individual Rights and Responsibilities are firmly and unequivocally opposed to the current procedure whereby selective service registrants are denied the assistance of counsel at local board hearings; and be it further

Resolved, that the same members strongly urge the Congress to amend the Selective Service Act to take action to remove this travesty upon the American system of justice by amending the Selective Service Act to allow registrants to be represented by counsel at local board hearings.

A SUMMARY OF THE ARGUMENTS IN SUPPORT OF THE RIGHT TO COUNSEL AT LOCAL BOARD HEARINGS

At the cornerstone of the American system of justice are the principles of fairness and due process which are applicable to all American citizens and, indeed, to all persons within the borders of this country. Stated in the simplest terms, these principles require that any person faced with the loss of substantial personal liberty or property is to be afforded the right to a hearing, complete with the procedural safeguards which our history has found to be absolutely necessary to ensure that justice is done. Among the most fundamental safeguards in this context are the right to confront the witnesses who would deprive the individual of liberty or property, the right to appeal a decision of first impression to a higher level, and the right to the assistance of counsel by one who possesses the requisite knowledge and skills to ensure that the laws are obeyed and the individual protected from arbitrary action.

For these reasons it is a genuine source for alarm, especially to the members of the legal profession, when a situation is found to exist within the American system wherein individuals have been systematically denied these fundamental rights of fairness and due process. It is submitted that such a situation exists in the current procedures established by the Selective Service System for the hearing of registrants at the local board level.

The Selective Service Act of 1967 provides that:

"Local boards, or separate panels thereof each consisting of three or more members, shall, under rules and regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this title ([said sections]), of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe . . ." 50 U.S.C. App. § 460(b)(3) (1968).

It is clear that this language, which has been a part of successive Selective Service Acts since 1948, is an indication of Congressional recognition that a registrant who contests the classification given him by his local board is faced with the loss of substantial rights, and that such a registrant is entitled to the type of hearing which due process has traditionally required in such situations.

Notwithstanding this fact, for two decades the Selective Service System has circumscribed the procedural safeguards which a registrant may invoke at local board hearings. Particularly, § 1624.1 of the regulations established by the Selective Service provides that:

"No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: PROVIDED, That if the registrant does not speak English adequately he may appear with a person to act as interpreter for him: AND PROVIDED FURTHER, That no registrant may be represented before the local board by anyone acting as attorney or legal counsel." 32 C.F.R. § 1624.1(b).

Thus, the selective service registrant is denied representation by one who is familiar with the substantive rights which the laws and regulations provide to the registrant. Although § 1624.1 permits the Board *in its discretion* to allow the appearance of witnesses who might present factual testimony in the registrant's behalf, it effectively pre-

cludes the appearance of anyone who might object to the manner in which the hearing is conducted or who might otherwise advise the registrant of his substantive rights.

It is submitted that on its face, the denial of counsel at local board hearings is contrary to fundamental American standards of fairness and due process. This denial is even more egregious, however, when considered in the light of the limited review available to registrants once the local board has made its decision. The registrant may appeal his case to the state Selective Service appeal board, 32 C.F.R. 1626.2, and may take an additional appeal if the appeal board is less than unanimous in upholding the local board's decision. 32 C.F.R. 1627.3. In either case, however, the registrant is not allowed a personal appearance on appeal, and since no transcript is taken of local board hearings, appellate review is limited to the registrant's written statements and to the board's written conclusions. The only recourse which a registrant has open to him if he loses his administrative appeals is to contest the legality of the board's action as a defense to criminal prosecution for refusal to be inducted, or, if the registrant allows himself to be inducted, by way of a habeas corpus action. In such a case, the court's range of review is "the narrowest known to the law," *Blalock* v. *United States*, 242 F. 2d 615 (4th Cir. 1957), and the court may reverse the appeal board "only if there is no basis in fact for the classification . . . *"Estep* v. *United States*, 327 U.S. 114 (1946).

Given these circumstances, the need for effective representation at the local board level is even clearer. The local board's decision is virtually final, except in the rare case where the appeal board reverses the local board decision or where a reviewing court is unable to find a factual basis in the limited record for sustaining the board's decision. Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

The denial of counsel under these circumstances is subject to attack on three separate grounds. First, it has been established by the Supreme Court that the administrative denial of "traditional forms of fair procedure" must "not be restricted by implication or without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition." *Greene* v. *McElroy*, 360 U.S. 474, 508 (1959).

There is nothing in either the Selective Service Act or the legislative history accompanying each of the successive acts which gives authorization for the denial of counsel in local board proceedings. Further, it cannot be argued that congressional inaction in the face of this long-standing practice is tantamount to authorization. As stated in *Greene*:

"It must be made clear that the President or Congress, within their respective constitutional powers, specifically has decided that the imposed procedures are necessary and warranted and has authorized their use. . . . Such decisions cannot be assumed by acquiescence or non-action. . . ."

Second, the denial of counsel in local board hearings is contrary to the fundamental standards of due process established by the Fifth Amendment. It is clear that personal appearance before a local board is an adjudicative hearing affecting substantial rights. The Board is called upon to make findings of fact on conclusions of law, often in areas—such as conscientious objection—in which the law is constantly in flux. As a result of the board's decision, a registrant may lose a deferment which is conferred upon him by law, or he may be faced with an order to perform military service which is contrary to his religious and moral convictions. In any case, he is faced with a possible loss of his liberty. In such circumstances, it is by now axiomatic that—

"When governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that those agencies use the procedures which have traditionally been associated with the judicial process." *Hannah* v. *Larche*, 363 U.S. 420, 442 (1960).

It is equally beyond question that the right to counsel is an essential procedural aspect of the judicial process. As the Supreme Court noted in the context of juvenile proceedings, one who is faced with a binding decision affecting his substantial rights "needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings. . . ."

Third, the prohibition of counsel at board hearings is contrary to the principles established by the Sixth Amendment. The narrow scope of judicial review applicable to classification decisions, coupled with the fact that most conscientious objectors aggrieved with the refusal of the board to grant conscientious objector status must refuse induction in order to have their case heard in court add up to the conclusion that the local board hearing is a "critical stage" in the criminal proceedings to which an unsuccessful conscientious objector is often subject. As the Seventh Circuit noted in *United States* v. *Freeman*, 388 F.2d 246 (1967):

"Under these circumstances conviction is almost inevitable, since the Board's refusal to grant the conscientious objector classification is based on an inference as to the sincerity of the registrant's belief and there will almost always be something in the record to support an inference of lack of sincerity."

With the limited review of board decisions and the strong likelihood of criminal sanctions for registrants who claim conscientious objection, such a registrant may be convicted without the safeguards which the Sixth Amendment was intended to provide. Without some protection against innocent acts or omissions at the board level which may prove decisive, such as ignorance of the regulations or of recent interpretations thereof, the registrant may find himself serving the five-year maximum sentence for refusal of induction without having had the type of fair proceeding which the American system of criminal justice has long held sacred.

Thus, the question to be resolved is whether fundamental standards of fairness and due process established by the Constitution are to be upheld in the context of local board hearings, or whether they are to be overridden because of the unsupported assertion that allowing counsel at such hearings would make the Selective Service System's task more difficult. The answer can only be that our fundamental standards of fairness and due process should not be undermined on supposed grounds of administrative expediency.

Mr. KENNEDY. Thus, this amendment brings with it the endorsement of the legal association most directly charged with understanding the detailed responsibilities of the Selective Service System. Also all of the elements in this amendment have specifically been endorsed by the ACLU.

It should be noted at the outset that the restriction on the due process rights of individual registrants was not in any way a result of congressional action. This action results solely from administrative action by the Selective Service System. I refer specifically to 32 C.F.R. 1624.1 (B) which provides:

No person other than a registrant shall have the right to appear in person before the local board, but the local board may, in its discretion, permit any person to appear before it with or on behalf of a registrant: . . . And provided further, that no registrant may be represented before the local board by anyone acting as Attorney or legal counsel.

If it might be argued that the provisions of the Bill of Rights seek to guarantee fairness to the individual against the powers of the State, then the regulation previously read, seeks to guarantee the powers of the State against the individual. For when we place the burden on the individual of proving himself "not available" for the draft, as General Hershey has stated in the past; then it is unconscionable to deny him the legal means to bear that burden.

Plato has written:

The time has arrived, Glaucon, when, like huntsmen, we should surround the cover, and look sharp that justice does not steal away, and pass out of sight and escape us.

As far as the regulations of the Selective Service System are concerned, justice has long since passed out of sight.

Attaching procedural due process requirements is the only way to entice its return.

The first change that we are suggesting in the amendment now before the Senate is that an individual registrant be assured the right to present witnesses to the local board.

I cannot readily understand how this right can legitimately be denied an individual. We are talking about a basic element of due process. If there is to be an opportunity for an effective presentation of one's case, then the registrant must be able to call upon persons who can substantiate his statements. Obviously, the Selective Service System felt this could at times be desirable since its regulations permit witnesses at the discretion of the local board. Yet, this discretionary power contains the seeds of arbitrary action. For it means that some young men have special rights which are denied to young men in the jurisdiction of a different board.

The right to present witnesses, under rules and regulations prescribed by the President, surely would not result in any disastrous impediment to the selective service process.

Nor is this a right that is foreign to any system of law. Western legal doctrines can be traced to the code of Hammurabi which guaranteed to an individual the right to present witnesses. The Hebrew legal system also contained that assurance. In nearly every legal system that we know of, that right has been protected.

The same right is protected by the sixth amendment to the Constitution.

The Supreme Court held in Washington against Texas in 1966:

The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts . . ." In its opinion holding that this protection under the sixth amendment was applicable to the states under the due process clause of the 14th amendment, the court recalled the words of Joseph Story. Story, in his commentaries, "observed that the right to com-

pulsory process was included in the Bill of Rights in reaction to the notorious common law rule that in cases of treason or felony the accused was not allowed to introduce witnesses in his defense at all.

Let me repeat the statement made by former Attorney General Ramsey Clark during testimony before the Administrative Practices and Procedures Subcommittee on the Selective Service System. I asked the Attorney General whether witnesses were important to a fair hearing.

His response was and I quote:

It is the only way that you can get the truth across that I know of.

I find that statement to be immensely impressive because here you have the Attorney General stating that if the local boards want the truth then "the only way" is to assure that they have the opportunity to hear witnesses who may corroborate the word of a registrant.

That view also has been testified to time and again by representatives of the American Civil Liberties Union. In their appearances this year before both the House and Senate Armed Services Committees, Aryeh Neier, executive director of the American Civil Liberties Union, stated:

While there are wide variations in the practices of local boards, registrants are often refused permission to bring witnesses with them to local board hearings. For obvious reasons of fairness, the right to bring witnesses should be mandated by legislation.

Also, I believe it is important to remember that we are discussing individuals who, because of their age and level of maturity may well be less than fully capable of presenting their case adequately. The ability to have as corroborating witnesses, persons who are closer to the current age level of the board members, undoubtedly would be of assistance in bolstering the strength of a registrant's testimony. Ministers, teachers, parents, and friends—each might be able to establish particular elements of an individual's background which would be critical to his request for a deferment.

Since we are moving toward a situation where conscientious objector and hardship classifications will be the major remaining deferments, the issue of a registrants' sincerity will be of utmost importance. The right to present witnesses who can establish the credibility of a registrant's testimony is a vital element in carrying out the purpose of the 1967 law, the purpose of assuring that the Selective Service System is "fair and just."

A second prerequisite of fairness in hearings is that an individual should be heard by those who will ultimately decide his case. This would appear to be a self-evident proposition. Yet in the case of the Selective Service System it is neither required nor does it always occur.

For under existing regulations, it is quite possible for an individual to appear before a local board to present his case and find only one member of the board and the clerk on hand. His appearance may be nearly worthless under those circumstances since a decision on his request for a change in classification will be made at a later date when a quorum of the board is present. But at that time, it is very well possible for the one board member who actually heard his case to be absent. Thus, no one except the clerk will have heard his presentation. The right to a personal appearance under those circumstances becomes of dubious value.

Also, under these circumstances, the system permits one member of the board who did hear the evidence to have undue influence over his associates. This also diminishes the likelihood of an impartial decision.

The amendment now before the Senate merely provides that at personal appearances a quorum of the board shall be present. This will protect the rights of the individual and the reputation of the board.

There is a third element of procedural fairness which currently is denied to registrants. Neither the local board nor the appellate boards are required to make written findings.

The ability of an individual to present his case effectively at the appellate level or in the courts is predicated on full knowledge of the basis for the initial decision. Without that knowledge, the right of appeal is almost meaningless since there is no way for the individual to muster his evidence to meet the arguments of the local board or the appellate board. A general presentation may or may not provide the appellate body with facts necessary to reexamine the original decision.

Thus, the lack of written findings of any sort denies due process rights in several ways.

It places almost insurmountable barriers in the way of the registrant who is seeking to construct an intelligible appeal.

The absence of written findings severely handicaps the appeals boards in arriving at a decision since they have little basis for evaluating the rationale behind local board actions.

There can be little question that the absence of a written statement of the basis for a local board decision frustrates and impedes judicial review. The Supreme Court stated in Simmons against United States:

The right to file a statement (before an appeal board) . . . includes the right to file a meaningful statement, one based on all the facts in the file and made with awareness of the arguments to be countered.

All we are suggesting is that a simple written statement of the reasons for decisions is a minimal requirement in keeping with our traditions of due process guarantees for individuals faced with the loss of substantive rights.

Fourth, the increasing importance played by a registrant's sincerity in determining his qualifications for a deferment requires that he be afforded the right to a personal appearance at the appellate level.

The appellate review is essentially a de novo review of the lower court decisions and the facts in the case. For that reason, it seems reasonable and desirable to permit an individual a right to a personal appearance, under appropriate regulations.

Some have argued that permitting this opportunity at the appellate level would seriously hamper the administration of the Selective Service System. Yet even the Selective Service System acknowledges that approximately half of the appeals in the survey they provided my office had some legal validity. All of those legitimate claimants then were denied the right to an appearance, an appearance that well might have substantiated their position or provided some basis for further analysis of the local board decision.

I think that if we are balancing a minor delay against the rights of a not insignificant number of registrants, we must find for the individual. It should be our responsibility, even in matters related to the Selective Service System, to protect the rights of the individual. I think that providing the right to a personal appearance at the appellate level would be a step in achieving that goal and would not in any way do injury to the efficiency of the Selective Service System.

Finally, there is the remaining element in the provision of due process, an element called by the Supreme Court fundamental and essential to a fair trial—the right to counsel.

Gideon against Wainwright reasserted the fundamental and central relationship of the right to counsel to insure that an individual obtains a fair hearing. The court in Gideon traced the precedents describing the right to counsel. In Powell against Alabama—1932—the court declared:

The right to the aid of counsel is of this fundamental character.

In Grosjean against American Press Co. in 1936, the court stated:

We concluded that certain fundamental rights, safeguarded by the first eight amendments against federal action, were also safeguarded against state action by due process of law clause of the fourteenth amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution.

And, in its opinion in Gideon against Wainwright, the court concluded:

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

I believe the same responsibility extends to us today when we consider the risks and duties imposed upon the individual by the draft.

Under current regulations—regulations not legislated by the Congress but mandated by the Selective Service System—the registrant is denied the right to representation by someone well-versed in the substantive rights which the laws afford to the registrant.

Within the confusing welter of statutes, hundreds of pages of regulations, an almost equal number of local board memorandum and state directives, the individual registrant is a pitifully vulnerable creature. Without counsel, he may waive his rights. Without counsel, he may not be aware which facts are relevant to his case and which facts are not. Without counsel, he is blind to his rights, to the law, and even to his responsibilities.

In its summary of the reasons for supporting the right to counsel, the American Bar Association committee stated:

Without the assistance of counsel at the local board hearing, the registrant is hampered in his ability to present his case effectively and to argue the applicability of the laws and regulations at what is by any standards the most crucial point in his case.

It is the crucial stage, because it is at the local board level that most determinations of facts and most conclusions of law are made. Because of the limited right of appeal, because of the lack of a right to a personal appearance on the appellate level and because of the absence of written decisions to confront at the appellate level, the original decisions of the local boards take on even greater meaning. It is there that an attorney can be of most use. As Justice Sutherland stated in Powell against Alabama:

The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law . . . he lacks both the skill and knowledge adequately to prepare his defense, even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him.

If we are to adhere to the premise that Americans are guaranteed that they will not be deprived of life, liberty, or property without due process of law, then we must begin by providing the right to counsel to Selective Service registrants.

Mr. President, the Selective Service System as it exists today denies fundamental rights of due process, rights guaranteed in both the fifth and 14th amendments of the Constitution.

As a result, an individual registrant may lose a deferment to which he is entitled, a deferment which might allow him to remain with his family or to avoid jail. In short, he is faced with the loss of his liberty and, whatever his obligation to his country, he is entitled to a fair hearing of whatever facts bear on his status.

That fair hearing is now denied him.

At a time when the youth of America are becoming more and more disillusioned with the American system, it is imperative that the 19-year-old receive the same guarantees of due process that are afforded to others with more power and influence within our society.

These rights are now given to corporations seeking broadcast licenses. They are given to companies seeking exemptions from FDA and FTC regulations. They are given even to the polluter who seeks a permit to expand his plant. Yet we deny those same rights—to witnesses, to written statements of decisions, to quorums of the deciding bodies, to appearance at appellate levels, to counsel—we deny those rights to the 19-year-old.

Perhaps the irony was best expressed in a letter from Villanova Law Professor Howard R. Lurie. He wrote:

Suppose a member of the House of Representatives introduces legislation to put taxation on the same basis as conscription. Incomes are to be taxed at 100 percent subject to such credits, exemptions, and deductions as the statute or the President by rules and regulations, shall provide.

The individual taxpayer must prove to the satisfaction of his local tax board that he is entitled to any particular credit, exemption or deduction, but he is not allowed to be represented by an attorney or accountant when he appears before it.

The board is not required to issue any written opinion regarding its determination of the taxes due from the taxpayer; no judicial review of its decisions is available, except as a defense to a criminal prosecution instituted against the taxpayer for failure to pay the taxes due; and the decision of the tax board is reversible only if there is no basis in face for the tax assessment.

No reasonable member of the Congress would take such legislation seriously. It would be outrageous to treat taxpayers in such a fashion.

But in fact is it not equally outrageous to treat your young men in precisely the manner? How can we justify calling these men to duty and at the same time treat them as second-class citizens compared to other groups within our society? Surely, we should give the same protection of due process that we afford to others who face a threat to their property rather than to their lives.

Yet, we know that the very lives of the young men are at stake when they deal with the draft board.

I think the time is long overdue for the Congress to right the wrong that we have permitted to exist for two decades.

If we are convinced that fundamental standards of due process are guaranteed to all Americans, then let us apply these same standards to those whom we would ask to serve and honor our country.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46 minutes remaining.

Mr. KENNEDY. Mr. President, I want to make one correction for the RECORD. This amendment is offered in behalf of the Senator from New York (Mr. JAVITS) and myself. His name was on the earlier amendment, but, by misprint, his name was left off. I ask unanimous consent that the RECORD show that the amendment is offered in behalf of the Senator from New York and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, in my judgment, the Senator from Massachusetts (Mr. KENNEDY) has proposed a critically important amendment, in which I have joined. I might say that, like himself, I have had a longstanding interest in and experience with draftees and their problems. In addition, this provision was in my own proposal for reform of the draft.

My experience with draftees goes back to the time when we first began to draft men immediately before World War II, when I was a Government appeal agent. That means I was the people's lawyer as well as a draft board lawyer. It was in a district in Manhattan—Harlem, teeming with people who really needed representation.

I have kept in very close touch with the whole draft system since, because I maintain a large office in New York to service constituents, and an enormous number of those cases are cases involving the draft and the military services.

From the point of view of the preservation of basic freedoms, and in a very practical sense, the way in which the individual, the ordinary American, comes into contact with Government, I know of no part of this legislation, other than the question of whether we shall have a draft at all, which is more important to the individual than the provisions which secure for him due process or procedural rights, nor do I know of anything which can more nearly convince the individual American that the system is just than the inclusion of a provision like this as part of our law.

We must note at once, as the Senator from Massachusetts has noted in his main argument, that the Administrative Procedure Act does not apply to draft boards, and hence what they do—and the courts have pretty well dealt with the matter in that vein—is pretty much up to them. They have to do whatever they think they ought to do to come to their best judgment about the individual's status.

We are dealing here with the draft, and involuntary deprivation of liberty, or perhaps even of life itself, all in the highest patriotic spirit. I favor the draft. Indeed, I have debated this issue on many college campuses. I am a liberal, and very proud of it; but, much to the surprise of many thousands of students, I have said I prefer the draft because of its civilian and egalitarian quality, and because of its assurance against a military class, and its ultimate sanction, in terms of our civilian population, as to when we do or do not engage in war, so that the entire population has an interest in the issue, and not just those who are willing, for monetary or other reasons, to take the risk.

So my strong feeling in favor of the draft naturally colors my feeling in respect to this particular amendment.

Mr. President, the elementary rights which are guaranteed by this amendment are critically important. As I say, the individual is not protected by the requirements of the Administrative Procedure Act. As they are spelled out, they constitute the network of basic protections of Anglo-Saxon law as contained in the Bill of Rights to the Constitution.

It seems to me that every one of us ought to be satisfied that every draftee will have these rights, and the best way to assure them is to write them into the law.

Mr. President, they are written into the law, by this amendment, in such terms as not to represent a straitjacket for anyone, for the United States or for the draftee. Let us examine them, and see what they are.

There is no question about the right to appear in person. Incidentally, that is never denied, that I know of. But what does happen, practically, is that when people get very busy, you have a rush operation. I have seen it myself. You simply have to pour through a good many people in a very short period of time, and the individual most often is not accus-

tomed to dealing with a governmental body, and so he does not complain or protest if they give him only a minute and look like they are not interested and do not listen to him at all. Most often, he says nothing. The people are not trained. They are not able to "protect their rights," and do not feel it is an adversary proceeding; and yet it may very well turn out to be, as their liberty and their future are being judged by a group of their peers.

As I say, the rights of the individual person, standing alone, I have never heard challenged, but the meaning of the appearance is then buttressed by the other specific rights which this amendment provides.

First, to present testimony. That calls on a person to say something on his own behalf, if for any reason he feels he should not be called upon to serve. Then that needs to be substantiated. I have heard men, time and time again, under these circumstances—as I say, I was a government appeal agent myself for a couple of years—say they often are left in doubt as to whether what they are being told is the truth or not. So some support, some corroboration, as the lawyers say, becomes desirable and highly important.

I point out that the regulationmaking power will prevent the production of such witnesses from being dilatory or burdensome. The President can, by regulation, establish reasonable limits considering the very large number of people involved and the imposition upon the civilian members of the draft board themselves as to their time. Rules and regulations can be made by the President to see that this right is not abused.

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. JAVITS. I do, of course.

Mr. COTTON. Would that right to establish regulations extend to some control of the size of lawyers' fees, when counsel is provided?

Mr. JAVITS. I will jump ahead and answer the question, instead of saying "we will get to it," by saying that the way we get at the lawyers' situation is that we have very sharply limited the right to counsel. The way we had it originally, we said he has a right to be represented by counsel. Now, the Senator from Massachusetts has accepted my view, to say that he may be accompanied and advised by counsel in appearing before such board. We have not gone into the question of the amount, because we have stricken out the requirement that the United States provide counsel.

Mr. COTTON. I beg the Senator's pardon; I read that provision in the version of the amendment on our desks.

Mr. JAVITS. No, that has been stricken, for that reason, that you get into such a trying network of regulations. Senator KENNEDY and I agreed that for cases like this, there are enough volunteers, bar associations, legal aid societies, and so on, so that we should not further complicate the issue.

Mr. COTTON. I apologize for asking the question and interrupting the Senator's train of thought.

Mr. JAVITS. That is all right.

Now, as to a quorum of a local board or appeal board, I do not think there is any question that a man is entitled to that, because, again, I have seen the right of personal appearance—which, as I say, I have never seen challenged—considerably diluted by the fact that one member of the board may be there, and it is really the clerk, in the final analysis, who will make the decision, and that is not the way this is supposed to work. If a fellow wants to contest, at least he ought to be heard by enough members of the board to do justice to his claim.

As to the written statement called for by the amendment, a decision in writing is really what it means. It seems to me that is so much within the control of the local board that it is not too much to ask that they at least have some note as to why they decided as they did, because the man has a right to an appeal, and he has the right to get the Government appeal agent to meet him.

Mr. President, I see my time is up. Will the Senator from Massachusetts yield me another 3 minutes?

Mr. KENNEDY. Yes.

Mr. JAVITS. The Government appeal agent, as I say, is supposed to help him if he wishes to prosecute an appeal, and it seems to me that in cases like this, which are so informal, it is very valuable to whoever is dealing with the appeal to know the basis for the board's decision, even if very briefly and episodically put.

Finally, as I have just explained to the Senator from New Hampshire, there is, again, no effort to impose a straitjacket by providing for legal representation. We have inserted the words "accompanied and advised by counsel," rather than the word "represented," so that a registrant's lawyer will not be fighting the case; and again, it is within the concept of the bill, if a lawyer becomes too obstreperous, to have him pipe down. His right is to accompany and advise his client, rather than engage in forensics before the board, and there again, I think Senator KENNEDY was very well advised to accept this formulation as being modified to meet the particular exigencies of appearances before draft boards.

It will be noted that we have stricken out, as I have explained to the Senator from New Hampshire, the whole network of problems, personnel- and money-wise, which would have arisen if the United States had undertaken to supply counsel where there was no counsel present. We can, I think, take a reasonable chance on that, in the sense that, from my experience, there are plenty of lawyers, bar associations, and legal aid societies to render this kind of service, including the legal services of the poverty administration in many places. So that I do not think we need to provide for that in this measure.

For all these reasons, because of the seriousness of what is involved and the most elementary due process which, as I have explained, cannot be obnoxious in its operation because of the way this amendment has been developed, I hope very much that the Senate will see its way clear to give the assurance and confidence to the individual which would be engendered by the addition of this amendment to the draft law.

I thank the Senator for yielding.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 15 minutes.

Mr. President, we have to get before us the background of this entire system before we can understand the significance—I will not say "meaning"—of the words in this amendment.

The amendment refers to "procedural rights." That sounds as though a person is proceeding before a court, a judicial body. These would be good rules of procedure, and some would be basic procedure that is recognized. Therefore, when we consider this matter, if we do not keep foremost in mind the nature of these boards, we are going to run off the track.

These are local boards, composed of local people in the communities who are nominated by the governors of the States and appointed by the President of the United States or his representative. These people, most of them laymen—not versed in court procedure or law—serve without compensation, in one of the most sensitive and delicate categories in which a citizen is called upon to serve.

They are not versed in law; they are not versed in procedure. They are not accustomed, without the guidance of a presiding officer who is versed in the law, to analyze testimony and to reach judicial conclusions.

I should like to relate what a justice of the peace I once knew said in his court. When a lawyer started to read a section of the law, he told the lawyer:

> Close the law book. We are not going to have any law read around here. It confuses me. I am going to decide this case according the right and the wrong; and if you want it decided according to law, you can appeal.

These men are called in, without a background of legal training, without any compensation—without any applause, either, in the community—and they are called on to decide these cases according to their concept of right and wrong. When we put the burden on them of listening to too much testimony and making more or less judicial decisions, we are going to get in trouble right away.

Just a word about the appeal boards. Many of the appeal boards sit many miles away, but they also are composed of men who serve without compensation. They make many hard decisions—it is not as hard for them to make those decisions as it is for the local board—and they render a great service to the Nation.

Under existing law, people about to be drafted do not have the privilege of appearing in person before the appeals board and presenting testimony. A person is permitted to present testimony in writing before the appeals board. He does have the right now to appear in person before the local board. So section 22(a) would be an additional requirement for the appeals board.

We asked the Selective Service to give us the figures as to how much additional burden this would put upon the appeal boards. The Selective Service has informed us that approximately 120 appeal

boards are in operation at this time, manned by 660 personnel—as I have said, they are not compensated—and these people have to consider approximately 120,000 appeals every year. To require these boards to sit at least one-half hour for a personal appearance in every appeal would amount to 60,000 hours and would require their members to devote at least 10 hours each week to personal appearances, without regard to time spent reviewing cover sheets or making classification decisions. These board members are not compensated, and they have to have other jobs, of course.

I do not see how they would be able to handle these appearances, which would spiral as the registrants and draft counselors became aware of the delay inherent in appeal.

So I think these are very serious considerations with respect to the appeal board proposal. We could not manage this matter, in our present system, if we had to have all these additional procedures.

There is also a provision that each registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe. That does not say whether each would have a right to present witnesses to the local board and the appeal board. It just says "present witnesses on his behalf."

That would be a situation in which, apparently, written into hard law would be a demand that witnesses—an unlimited number of witnesses, according to this—for every registrant would have the right to appear with all these witnesses before the local board and the appeal board, apparently, under such rules and regulations as the President might prescribe. The President could not prescribe highly restricted regulations to cut out all this, I do not believe, if we adopted this amendment.

The third requirement: A quorum of any local board or appeal board shall be present during the registrant's personal appearance. During the registrant's personal appearance before the local board, there is no requirement now that a quorum be present. A quorum is directed to be present when they are making judgment decisions and audits. But the custom is to have at least two members of the local board present when a registrant makes a personal appearance.

That is a reasonable rule to have, at least to present, but only a majority. I want to make it clear that I favor only an actual majority rendering a decision. These burdens on the appeals board that they can hardly carry, I do not know where the appeals board, how far they average on being away, but I know that in my State, the appeals board is 250 miles from large areas of the State. I know that in other States it is bound to be even farther. Therefore, to insist on a quorum there for each registrant in his personal appearance is beyond reason.

Section (d) states:

(d) Every decision by a local board or appeal board shall be accompanied by a written statement setting forth the reasons for the decision.

Well, I think there should be some evidence there of a written statement. That is my opinion about it. But there is no such requirement now. However, we can talk about that later.

Section (e) states in part:

(e) Each registrant shall further have the right to be represented before any such board by private counsel.

I judge that means that the attorney may come in with the registrant to advise him on things that come up during the hearing, but the attorney would not be permitted to argue the case and ask questions of witnesses, and so forth, as they do in an ordinary court.

But, anyway, adding all these together, and they do have to be added all together because they are in the amendment together, means an impossible burden upon the appeals board.

To convert these boards into a judicial authority and putting these impossible burdens upon them I think would mean, first, a wholesale exodus of these very fine people. Most of them are extraordinarily fine human beings who have been serving in these capacities and would like to continue to serve and more will be appointed both to the local board and the appeals board. I think that is the most serious point.

These matters can be made to look good on paper, but where are we going to get the men of the kind and character we must have to fill these positions?

I do not believe that anyone can answer that question with any assurance.

If the membership of the Senate could just be in this Chamber to hear these arguments and have these problems explained, I think they would fully understand the situation, but under the circumstances that this amendment is being considered now, it is very, very difficult.

Thus, I think the whole thing can be summed up as follows: That we are placing impossible requirements for the board to carry. If we are going to demand all these requirements to be met, then we will have to stop and create a system of taking testimony and adjudication. We will have to get someone on the board who is trained in judicial procedure. We will have to go to the taking and consideration of evidence, just as in a criminal case, or a civil case, with a jury in the box and witnesses who come in and laywers being present, all done under the guidance and direction and authority of a man that is a seasoned lawyer, trained in the law, experienced in trial work and the administration of justice.

Thus, if we were to adopt all the requirements of a court and put them onto these boards, they will not be able to carry the load. If we adopt all these requirements, then we will have to set up a judicial tribunal or one that is in the nature of a judicial tribunal. I think it comes down to that.

Now, Mr. President, I will be glad to yield time now.

Mr. KENNEDY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield to the Senator for a question if he wishes.

Mr. KENNEDY. I thank the Senator. In considering the procedural rights, I direct the Senator's attention to title B——

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes for the purpose of discussing the Senator's question, if that is what he wants to do.

Mr. KENNEDY. Section (b) states:

Each registrant also shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

So does not the Senator agree with me that we still have rules and regulations on certainly the number of witnesses. I do not think we expected, in terms of this amendment, to provide undue kinds of delays or undue kinds of appearances or unnecessary appearances. But does not the Senator agree with me that we do grant the President and the Director of Selective Service the opportunity to prescribe rules and regulations so that the number of witnesses could be reasonable?

Mr. STENNIS. Well, perhaps that would be a reasonable regulation about the number of witnesses, but if I may ask the Senator a question right there, on this section, when he states, "shall have the right to be accompanied and advised before any such board by private counsel," the Senator did not include in that provision the idea that the attorney can make a speech or make an argument to the board, did he? He would just want to assure the benefit of legal counsel, I suppose?

Mr. KENNEDY. That is correct. Perhaps the Senator from New York would like to comment on that, but what we are trying to do is not in any way to have the lawyer make an argument or involve himself in the cross-examination of witnesses, but he should be able to counsel and advise the registrant on the various rules and regulations that are applicable. Perhaps, on that point, I should yield to the Senator from New York——

Mr. STENNIS. May I ask the Senator one more question——

Mr. JAVITS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. In just a moment, I will yield to the Senator whatever time he wishes, but I want to finish my question first, please.

As I understand it, the appearance of an attorney is not for the purpose of speaking. What about for the purpose of examining witnesses?

Mr. KENNEDY. I would expect not.

Mr. STENNIS. Yes; the Senator would not expect that.

Mr. KENNEDY. I would say not. It is a recognition that—if I could say it—a recognition that the Government appeal agents, who are the only source of advice to registrants today, really have a responsibility both to the Government as well as to the rights of the registrants in all matters. As Dr. Tarr stated to the Senator's committee, and as Dr. Tarr said himself, it would appear that the appeals agent has a conflict of interest.

But what we are trying to do in terms of this——

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. KENNEDY. Mr. President, I yield 2 minutes to myself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, what we are trying to do in terms of this amendment is to provide that there be representation which has a responsibility only to the registrants.

Mr. STENNIS. Mr. President, I yield to the Senator from New York for a question.

Mr. JAVITS. I did not mean to intrude.

Mr. STENNIS. I understand.

Mr. JAVITS. Mr. President, what I had in mind was exactly what we do before committees. With the committee's permission a witness often appears with counsel at his side. The committee does not allow the counsel to speak, to argue, or to examine witnesses. However, counsel may tell the witness not to answer or to plead the fifth amendment. That is as far as it goes. However, it does give a sense of confidence to the person that he is not alone in the world. That is all.

Mr. STENNIS. There is no right to speak and no right to examine witnesses.

Mr. JAVITS. Exactly.

Mr. STENNIS. I thank the Senator. That is a very valuable statement.

Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from West Virginia such time as he requires.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished manager of the bill and the distinguished Senator from Ohio.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader to propound the following unanimous-consent requests. May I say that I have discussed the requests with the distinguished manager of the bill and with the authors of the amendments which will be affected. I have also discussed the requests with the distinguished minority whip and with aides to the distinguished minority leader.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 11 A.M. MONDAY, JUNE 21, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) be laid before the Senate and made the pending business just before the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 123 by the Senator from Alaska be limited to 2 hours to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 10:30 tomorrow morning the Chair lay before the Senate amendment No. 123 of the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 123 on tomorrow, it proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of the Hatfield amendment No. 137 on tomorrow, it proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) be limited to 1 hour, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its consideration and disposition of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL) on tomorrow, the amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 11:30 o'clock on Monday morning next, the Chair lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on amendment No. 127 of the Senator from Oregon (Mr. HATFIELD) be limited to 1 hour, the time to be equally divided between the distinguished mover of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its disposition of amendment No. 127 by the Senator from Oregon (Mr. HATFIELD) on Monday next, it proceed to the consideration of amendment No. 130 by the Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous agreement with respect to amendments to amendments obtain with respect to the amendments I have just enumerated.

The PRESIDING OFFICER. With the provision for germaneness?

Mr. BYRD of West Virginia. That is correct. That is included, and so is the 20-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. JAVITS. Mr. President, I have just offered an amendment that the Senator from Mississippi (Mr. STENNIS) has not seen as yet. It will involve only, I hope, the necessary colloquy. It refers to cases where an act of Congress has been ratified and the action of the President has created some problem. There has been some colloquy about this. I hope that we could definitively get the matter clear.

I want to notify the manager of the bill that such an amendment has been offered. I would be willing to agree on a reasonable time.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator, and we will keep that in mind. I ask unanimous consent that the time on amendments to amendments be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill.

Mr. CASE. Mr. President, reserving the right to object—and I shall not object, I do it merely to seek information—when is the cloture motion coming up?

Mr. BYRD of West Virginia. Mr. President, I am glad the Senator raised that question. I say in response to the Senator from New Jersey (Mr. CASE) that it is the intention of the leadership—not myself—to offer the cloture motion on Monday next and the vote would then occur thereon on Wednesday next.

Mr. CASE. But not the vote on the cloture motion.

Mr. BYRD of West Virginia. Mr. President, the vote on the cloture motion would occur on Wednesday. The distinguished majority leader wanted me to make it clear that the Senate will be voting on Monday and expects to have rollcall votes on Tuesday. Of course, the rollcall vote on the cloture motion would be on Wednesday, as I have stated.

Mr. JAVITS. Mr. President, whenever the cloture motion is filed, I hope they will protect the amendments at the desk so that we do not have to go through

the gyrations of having exact compliance with the rules and reading them all over again.

Mr. BYRD of West Virginia. Mr. President, the Senator's request has been noted, and, with the approval of the distinguished manager of the bill, there will be no problem, I am sure.

Mr. GRAVEL. Mr. President, I believe that there will have to be a unanimous-consent request by the Senator from New York.

Mr. JAVITS. Except that they will be laying them down and when they do they can take care of it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the further consideration of H.R. 6531, an act to amend the Military Selective Service Act of 1967, debate on the following amendments be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the manager of the bill (Mr. Stennis): No. 125 and No. 150 by the Senator from Alaska (Mr. Gravel); No. 117, and Nos. 127–134, and 137 through 138 inclusive by the Senator from Oregon (Mr. Hatfield).

Ordered further, That debate be limited to 2 hours to be equally divided and controlled between the mover of the amendment and the manager of the bill on amendment No. 123 by the Senator from Alaska (Mr. Gravel).

Ordered further, That on June 18, 1971, at 10:30 a.m. amendment No. 123 be laid before the Senate.

After the disposition of amendment No. 123, the Chair will lay before the Senate in the order listed the following amendments as soon as the one preceding it on the list is disposed of: amendment No. 137 by the Senator from Oregon (Mr. Hatfield); amendment No. 150 by the Senator from Alaska (Mr. Gravel); and amendment No. 127 by the Senator from Oregon (Mr. Hatfield) but debate on this amendment will not be controlled until Monday, June 21, 1971.

Ordered further, That on June 21, 1971, at 11:30 a.m. amendment No. 127 be laid before the Senate. After the disposition of amendment No. 127, the Chair will lay before the Senate amendment No. 130 by the Senator from Oregon (Mr. Hatfield).

Provided, That debate on all amendments to amendments enumerated above be limited to 20 minutes to be equally divided and controlled respectively by the mover and the author of the original amendment (first degree), except on amendments numbered 123, 127, 130, 137, and 150 on which the time on all amendments to amendments will be controlled by the mover of the amendment in the second degree and the manager of the bill.

Ordered further, That amendments not germane to the amendments enumerated above shall not be received.

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal years 1972; and for other purposes.

AMENDMENT NO. 139

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 10 minutes to the Senator from Ohio. If he does not use it all, he can yield it back.

Mr. SAXBE. Mr. President, I rise to discuss this amendment because I have some familiarity with the operation of local boards and appeal boards. I recognize that in this amendment there are some meritorious points made. There are several that are now covered by regulations in the Selective Service System which extend to a registrant certain privileges.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SAXBE. Mr. President, these would be in the law if the amendment were agreed to. However, I would like to call the attention of Members of the Senate to the fact that the Selective Service System is a voluntary institution. It is made up of laymen, people in the community who serve without remuneration.

I might add that it is sometimes extremely difficult to obtain them. They are patriotic persons who are willing to devote 1 night a week and additional time to attending meetings of this local board. They are not learned in the law. Their primary function is to make findings of fact. They are directed by local board directives put out from the national headquarters and a body of information that has been built up over the years.

These are not easy decisions. The decisions are many times difficult, especially when the press is great and men are being called away from their families and men are being called perhaps from critical employment, and sometimes persons who think themselves not qualified for the military or subject to a deferment feel themselves unjustly put upon.

Usually the 660 appeal boards—I believe that is the number—are located some distance from the local board and, again, their members serve voluntarily and, again, they are hard to obtain because of the demands on the time of the individual. These men are patriotic individuals who devote their time because they feel the system should function and the system has functioned over the years The system has operated much better than many people would admit today. Certainly, during the period of the Second World War it operated under a pressure that is hard to contemplate today.

This amendment would place a burden on the members of the local board and the appeal boards that I believe they are incapable of bearing, a burden to permit a lawyer to sit in with them, to advise the registrant, and then to go with him to the appeal board, if necessary, and to provide him with a lawyer, if he is not capable of providing one himself.

I was interested that the Senator from Massachusetts would advance this proposal because in his opposition to the volunteer army he repeatedly referred to the fact that we would have a poor man's army. I cannot help but feel as the result of considering this amendment that this would insure a poor man's army under selective service because even today, with the safeguards that are in the law, any person who can afford a lawyer and wants to fight induction pretty well escapes induction. He can stall until his time runs out and this has been proven many times.

Certainly with the requirements on the time of members of appeal boards, giving one-half hour apiece to the 120,000 who appeal even now, we would have to have full-time members of the appeal board. We would have to hire members for the appeal boards because no matter how patriotic a man might be he could not devote the time necessary to sit on the appeal board when these requirements had to be met.

I also feel that the poor man from Alexandria who would have to travel to Richmond to appear before an appeal board would not go, whether he had a lawyer or not. He would not go because he could not afford to take a day off from his job. I believe that Richmond is the nearest appeal board for residents of Alexandria. The young man of affluence could go to Richmond and take his lawyer with him.

I do not believe the young man who would have to subscribe to a pauper's oath in order to get legal assistance would do so. He would go in and they would ask if he has an automobile, and this and that. If he said he owned an automobile they would say that he could afford to hire a lawyer. The bar association is rather particular on this point. They do not volunteer for someone who is driving his own automobile or who has any resources at all.

However, the rich father could see that the young man is represented by the best attorney in the country and he would be.

I believe it would work an injustice on the operation of the Selective Service System. It would mean that those who were subject to appointed attorneys would fare less better than those able to hire a specialist. Specialists would appear soon after the enactment of such a law. There would be specialists. I can imagine an unscrupulous draft board clerk who would say, "Go down and see so and so. He can spring you on this deal."

It would lead, I believe, to ethical problems in regard to the operation of local boards.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. SAXBE. I yield.

Mr. TOWER. Mr. President, I am very interested in the reasoning of the Senator from Ohio, and I think it is correct.

Would this proposal not raise another possibility and that is the possibility of lawyers who are not very good lawyers going out and promoting business for themselves, perhaps cluttering up the draft board with "lawyerizing," so to speak?

Mr. SAXBE. I think so. There would be an obvious attempt to wear out the cases. This is always a device of the competent lawyer. He can wear out the case. Time is a factor. When the young man approaches the age where he is no longer liable for the draft, he can approach it in the courts.

Everyone today who says he is not going to take the step forward when he is told to step forward has the right to raise those points, but to raise those legal issues at the local board level where there is a group of individuals who are only qualified to make findings of fact,

and to raise them before a volunteer board where the members are not learned in the law, would give an advantage to those who have the time and the money to fight the system.

I think it would be a disservice to those boards who have done a good job over the years and a disservice to those individuals who, when called by their local boards, proceed as directed and raise their right hands and serve in the Armed Forces.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

YEAS AND NAYS ORDERED ON AMENDMENTS 127 AND 137

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on amendment No. 127 and amendment No. 137.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on those two amendments.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Mr. President, the point is made that the Selective Service System and the boards are rather fragile. So is the jury system in this country.

The average man in our Nation is making very important decisions on a variety of questions, on the most complicated antitrust cases, corporate cases and criminal cases as member of a jury.

The decisions local board members make on issues presented to them are similar to decisions which members of juries are making now. They are matters or judgment based on testimony by witnesses. I was interested in the statement of the Senator from Ohio questioning why I would offer such an amendment when I am opposed to the volunteer army. One of the questions involved will be the question of hardship deferments; the other question will be conscientious objectors. Those are the two major deferments remaining.

I think if people are raising the question of hardship because they are looking after their families, they should be able to be represented or at least to get some kind of rights and due process.

I am amazed that we are balancing the inconvenience of a selective service board member against a young American who is asked to go to South Vietnam to fight and die. We are asked whether we want to bother that board member to come down on a Tuesday night and make a quorum.

What do we have at present? All that is needed is a quorum at the time the decision is made. Certainly, if we are interested in providing fairness to the young men who are being selected and who may have deep beliefs about conscientious objection or questions involving hardships to their family, they ought to be entitled to have a quorum as the board hear their cases.

These are very basic and fundamental questions. We afford those rights to the petty criminal who steals $20 or $30. He is entitled, under Supreme Court decisions, to representation by a lawyer. Yet we get someone who may very well be called upon to go to Southeast Asia and die and we refuse to inconvenience the members of the selective service board. I have greater confidence in the willingness of the American people to give up time and to go to the board and participate in the decisions.

I am completely in accord with the opinion of the Senator from Ohio that, generally, the selective service boards have performed an amazingly good service. The system is an institution that is virtually devoid of any kind of corruption or evil influence.

Let me mention a couple of matters finally. At the present time what we are trying to do is insure a quorum at the time of appearance. There is a requirement of a quorum at the time of the decisions, so we are not really making a significant adjustment in the law. We are simply assuring a quorum at the time of the appearance.

The second point involves what is now a discretionary matter. In some jurisdictions they may present witnesses. In others they do not. All we are trying to do is provide that all registrants, regardless where they live, may present witnesses. In some jurisdictions they do; in some jurisdictions they do not, but obviously in places where they have decided there is a right to present witnesses, they feel that right is important both to the board and the registrant.

Third, with reference to the question of counsel, as the Senator from New York has mentioned, we afford that right to an individual who appears before a congressional committee. We afford him the right to be accompanied and advised by an attorney. Why should not those who may be selected to fight in Vietnam have that same kind of protection?

Finally, we are asking that the decisions be written, because that is important with respect to questions that are brought upon appeal or that go to a higher authority. They virtually do not know what the basis of the decision was at the local board level because nothing is written. All we are saying is that, in terms of appeal, if the decisions are written, due process will be provided the individual registrants.

Mr. STENNIS. Mr. President, will the Senator yield briefly for a question right there?

Mr. KENNEDY. I yield.

Mr. STENNIS. The Senator understands that there are a great number of cases pending before the boards. They consider them partly at one time, and partly at another time, and then finish them up. Sometimes at those meetings 2 or 3 dozen, or perhaps 50, cases will be disposed of. If each decision must be accompanied by a written statement, that will amount to a mountain——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

How much time do I have?

The PRESIDING OFFICER. The Sentor has 25 minutes.

Mr. STENNIS. Mr. President, I will yield the Senator 5 minutes.

In a very short period of time, there will be an accumulation of a mountain of decisions if every decision must be accompanied by a written statement. It would be a question of putting out what is the case and what is the decision. I just point out that it would be an impossible requirement to comply with. If the matter is not appealed or contested in any way, it is accepted and there is no reason for a written decision.

I know the Senator's intention is good, but it involves a construction of how this requirement would be applied, when something less than this could serve the purpose the Senator has in mind.

Mr. KENNEDY. The point remains that at the time when these decisions would go through an appellate procedure, for example, there would be absolutely no way of knowing what the basis of the rejection by those at the lower level was.

I think if an observation had been made at the local level and made by a quorum of that board, it would provide enormously helpful and valuable time saving for those at the appellate level. I suggest that these recommendations will actually avoid litigation and provide for less delay in the system, because they will provide and give a better source of information regarding the situation on the registrant. I believe that at the local as well as the appellate level they will be able to make decisions which will be upheld in any kind of court. Actually, this requirement will be a timesaving rather than a delaying feature.

Mr. STENNIS. Mr. President, if the Senator will yield one minute further, as the Senator well understands, many of these decisions are more or less automatic. There will be 100 men whom the doctor reports as being 4–F. The board just accepts that classification. There is no contest about it, and they go into their respective categories. Still, under the amendment as written, the Senator would require a written statement that applied to all of them. That is one illustration.

Mr. KENNEDY. We are not asking for decisions when there is agreement only when a registrant's claim is rejected. Nor are setting requirements on the length of statements. I think one line or two lines explaining the fact that a person has been classified as 4–F would fill the requirement.

Mr. STENNIS. Mr. President, if the Senator will yield further, his amendment requires setting forth the decision. I imagine the Senator has in mind that, if there is a contest or an appeal about case X, then they could call on the board to get a written statement and include therein the reason for the decision. Would not that meet the requirement of what the Senator had in mind?

Mr. KENNEDY. Yes, that would meet the requirement.

Mr. STENNIS. I thank the Senator.

Mr. KENNEDY. Let me say finally that this amendment has been endorsed by the bar association, by the special committee on rights and liberties. I think what we are attempting to balance here is the convenience of this system with the rather basic and fundamental rights of registrants who are going to be called upon in some cases to make the supreme sacrifice. It seems to me it is important at this time, when we are attempting to devise a Selective Service System, that we insure that those who will be selected will be given the full rights and guarantees that we accord to others in our society.

Mr. President, I am prepared to yield back the balance of my time.

Mr. SAXBE. Mr. President, I would like 1 minute.

Mr. STENNIS. The Senator from South Carolina (Mr. THURMOND) had asked for some time. How much time did the Senator want?

Mr. THURMOND. About 8 or 9 minutes.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to Amendment No. 139 offered by the distinguished Senator from Massachusetts (Mr. KENNEDY), to the selective service bill.

This amendment is far-reaching and would result in tremendous administrative problems for the Selective Service System.

In effect, the amendment sets up the Selective Service System and especially the over 4,000 draft boards around the country as miniature courtrooms.

It takes the view that if a man is called to service he apparently faces some punishment in having to put on our Nation's uniform and is, therefore, due all the rights of an accused man in court.

Some of the proposals in this amendment sound reasonable but most amount to aiding men who are opposed to military service to such a degree that draft boards would bog down in hearings and appeals.

Presently the Selective Service System allows several levels of appeal over the decision of the local draft board. The individual may appeal to the State and national offices. Some cases under present procedures can be delayed for many months.

Therefore, it cannot be said the present laws do not provide adequate safeguards for young men who have special reasons for not wishing to enter military service.

Mr. President, I would like to cite briefly the four major provisions of the pending amendment and comment upon several of them. The four key parts provide for:

First, personal appearances at appeal boards.

Second, requirement that a quorum of a local or appeal board be present for personal appearances.

Third, written statement supporting the decisions by a local or appeal board.

Fourth, right to legal counsel and right to present witnesses at all appearances before any board of the Selective Service System.

Mr. President, I would like to comment on the section that provides that the registrant be afforded the opportunity to appear in person before any appeal board of the System.

This provision sounds reasonable but the Selective Service is convinced that the backlog of appealed cases which would result from the requirement would so increase in number that any registrant who did take an appeal might virtually be granted a deferment past age 18 for a long period of time.

The Selective Service System has approximately 120 appeal boards manned by 660 uncompensated personnel. These people consider approximately 120,000 appeals annually. To require these boards to sit at least one-half hour for a personal appearance in every appeal—60,000 hours—would be to require their members to devote at least 10 hours each week to personal appearances without regard to time spent reviewing cover sheets or making classification decisions.

Mr. President, these board members are uncompensated and in most cases have other jobs. It seems doubtful that they would be able to handle these appearances which would spiral as registrants and draft counselors become aware of the delay inherent in an appeal.

Selective Service feels also that this provision might hurt those individuals it sought to help—the poor and uneducated. Very likely it would be the poor and uneducated who would, first, not be aware of this avenue of delay and therefore would be inducted in place of those who were effectively using it, or second, not be able to afford either the time off from work or the travel costs to the appeal board to have a personal appearance.

There is another part of this amendment I would like to comment on also. That is the part allowing the registrant the right to legal counsel and presentation of witnesses.

As I mentioned earlier in my remarks, this provision would result in the meetings between the local board and the registrant being converted into a full-scale judicial proceeding. Selective Service feels this is inappropriate considering that military service should be viewed as a privilege and not a criminal punishment.

The great majority of local board members are not attorneys by profession and would therefore not be well versed on all the legal technicalities which might be presented by the registrant on advice of his counsel.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Louisiana.

Mr. LONG. Can the Senator tell me whether the amendment we are discussing here provides, directly or by inference, as to how much evidence that board must hear, once the lawyer comes in there and starts presenting it?

Mr. THURMOND. Mr. President, the amendment does not say how long it could go on. I think the Senator has raised a very interesting point, if a registrant decided to appeal, as to just how long he could take, whether 1 hour, 1 day, or 1 week.

Mr. LONG. Does it not seem logical, if we are going to accord each person subject to the draft the right to a personal appearance, to bring his lawyer, and to present his case, his arguments, and his evidence, that implicit in that right there are going to be the ordinary rights that exist in any court, including the right to require that all evidence relevant to the case be heard. If a lawyer becomes one of the experts in defending these cases before a board, and achieves a reputation for being able to either get people off or delay interminably the time they have before they go, does it not stand to reason that any good lawyer in an area who is specializing in defending people against being drafted would then proceed to avail himself of all the time that he can use, to drag out the proceedings, to present volumes upon volumes of evidence, to call witnesses and insist there are other witnesses not available, but who could be brought there at a future meeting, and to drag these cases out so long that the board would be tied up interminably waiting to hear them, so that members of the board would be forced to resign voluntarily because members would not have the time to stay there and make a quorum——

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. STENNIS. Mr. President, I yield the Senator 4 additional minutes.

Mr. LONG. Is that not correct? The amendment requires a quorum of the board to be present to hear the case; so all a lawyer has to do is drag these cases out, if he has a number of such clients, so that the members of the board find that, without compensation, they do not have time to hear the cases; and, in the absence of a quorum, nobody could ever be drafted.

Mr. THURMOND. Mr. President, I think that would have been the case prior to the amendment. The amendment has been amended, as I understand it, so that the lawyer could not speak, but would merely be there to advise the registrant. Of course, he could advise the registrant to handle himself in the same way. Possibly the same end could be accomplished if, as was pointed out by the Senator, the lawyer were allowed to speak.

Mr. LONG. If you are going to permit a person the right to be there with his lawyer in the first place, what sense does it make to deny the lawyer the right to plead the case? What sense does it make to deny a lawyer the right to plead his lawsuit?

Mr. THURMOND. As I understand, the author of the amendment feels he would just have him there to advise and counsel. Understand, I am not in favor of that position.

Mr. LONG. But what, in the name of commonsense, is the difference between letting the lawyer plead the lawsuit and letting the lawyer whisper to the man being drafted, "Now you say this, now

you say that, and now you say the other." Actually, in the interests of time, if the thing is going to drag out interminably anyway, would it not be more efficient to let the lawyer say it himself, rather than have the lawyer first whisper it into the man's ear, and then have the man state the question, thus requiring that everything be said twice?

Mr. THURMOND. There is much merit in what the Senator says.

Mr. LONG. If we are going to require the board to hear these witnesses and this evidence by pursuing that logic, would it not be just as logical that they be required to hear the questions and arguments of counsel as well?

Mr. THURMOND. Mr. President, I think there is great logic in what the Senator from Louisiana has had to say.

Thus, it is believed that local board members would have to be represented and advised by legal counsel if the registrant were advised by counsel. This, along with the presentation of witnesses by the registrant, would greatly prolong the proceedings as legal points were discussed.

Further, it is felt that inequities in the system might be increased rather than reduced by the requirement of counsel at all local board meetings with the registrant. Some attorneys would be more zealous and knowledgeable than others, and it is probably safe to assume that middle- and upper-income registrants would be able to hire the more zealous, qualified, and committed draft lawyers to assist them. Thus, the poor and uneducated might be hurt rather than helped by this provision as more of the rich and middle class escaped induction through procedural technicalities.

Also, in a final comment on this point, the Senate should realize that the registrant's rights are already protected under the currently operating mechanism of the Selective Service System. If a young man feels that his case has not been fully considered, he may request a personal appearance before the local board to discuss the classification. If the young man feels that the local board still has not correctly considered his information, he can appeal his classification to an appeal board. In addition, a Government appeal agent is appointed for each board to advise the registrant of his rights. Finally, the registrant is completely free to consult with his own attorney about the facts of his case—outside the local board meeting.

Mr. President, I am opposed to this amendment on the grounds that our present system is working fairly and justly, and the judicial elements of the courtroom are not needed at the draft board.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from Mississippi.

Mr. President, I have listened to this debate with great interest. There is no doubt in my mind that, on initial reading of this proposal by the Senator from Massachusetts, a person would be affected by it. But very serious problems have been brought up. One problem has been brought up by the Senator from Louisiana, and it is really of great significance. If each person has a right to present testimony before an appeal board or before a local board, as long as he wants to, whether it is called a filibuster or whatever else, he can wear out the local officials totally, so that they will not have time, unless they happen to be fairly wealthy retired people.

What we have been trying to do with respect to local boards throughout the country is to get volunteers from our younger group of people, who are employed, and who will do this on a voluntary basis, either at night or part-time during the day. So it would seem to me that with a determined group of people—which we have in this country—who say that they are not going to be drafted if they can possibly avoid it, the local board could be worn out almost totally, and it would probably cause a breakdown in the local board system as well as the appellate system.

Subsection (d) reads:

> Every decision by a local board or appellate board shall be accompanied by a written statement setting forth the reasons for the decision.

I am a lawyer, and I would presume that this would mean that this would be true even where they agreed with the person's complaint—namely, that he had a physical disability or something of this kind.

This seems to me to mean that they would need not only the present clerk of the court but also additional stenographic help, just to be able to put this together, at greatly increased cost, without increased efficiency.

The only real purpose, as the Senator from Massachusetts has admitted, for having a written decision is when one wants to appeal from it. If the board already has agreed with the person, what in the world is the reason for having a written decision? Yet, that would be required under the wording of this amendment.

I have listened to the debate, as I have said, and I am interested in the statements of the Senator from Louisiana, the Senator from South Carolina, and the Senator from Ohio that if you are going to have a lawyer accompany and advise you, what is the difference between that and having a lawyer represent you? The only difference is that the client gets up and testifies to what the lawyer tells him to say, instead of the lawyer saying it himself. If you get some of the people I have run into who have been complaining about draft boards and their decisions and the question of whether the whole Selective Service Act is constitutional, you have people there who can talk just as long as a lawyer, without any problem whatever, in trying to confuse the issue.

I think some other features of the amendment would be burdensome.

> The registrant shall have the right to present witnesses on his behalf, under such rules and regulations as the President may prescribe.

This would require the President of the United States, with all the other duties he has, to delegate to someone on his staff—it does not give the right of delegation, although I am sure it is assumed—the writing of national rules and regulations which would be applicable, so far as I can see, to every local and appellate board in the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 additional minutes to the Senator from Colorado.

Mr. DOMINICK. This amendment would turn the Selective Service System—which has been largely based on local board decisions, and so structured initially in order to get it out of the Federal orbit—into one more degree of centralization. One of the things we have been trying to do over and over again in our Government is try to diversify government, not to further centralize it; and that very provision would further centralize what must be done before anybody could validly be put within the Selective Service System.

I do not know what quorums are in local boards or appeal boards. I would suspect that they are different in different States and in different appellate systems. I would suspect that in some of them, as we have done in the Committee on Labor and Public Welfare, they have said that one-third of the membership present is a quorum. In other places, I would suspect they would say that half is a quorum. This means we would have rules and regulations on a national system, just for the purpose of procedure, to determine what a quorum would be.

For all these reasons, the reasons expressed by the other opponents of this amendment, and because I think it would bog down the opportunity to get to a true voluntary system—I am a believer in the voluntary army, and I have been voting that way throughout—I would be strongly opposed to the adoption of this amendment.

I yield back to the distinguished Senator from Mississippi whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I will not prolong the debate. I will take only a few minutes. I yield myself 3 minutes.

Mr. President, where is the proof about any great number of wrongdoings by these boards?

They have passed on hundreds of thousands of cases, millions of cases, during the last few years. I have heard of very few cases that have not stood up in court.

I return to the question of presenting evidence to the local boards, evidence to the appeal board. How much evidence? How many witnesses? There is no limitation whatever here. Many want to kill the Selective Service Act, anyway. It will be "goodbye Katy" if this amendment becomes law, because it is impossible to carry out its provisions. We would be creating a court of law, with no judge, no one trained in the law or in evidence or in procedure, no directing head.

There would be a great exodus of the membership of these boards. They would not want any of the boards to continue. Everyone else in the community would be against coming in. That is one way to

kill the whole system. We would be creating a tribunal, a court of law; and I predict that if this amendment becomes law, it will be impossible in many areas of the country to get the job done. It takes a court, a judge, someone who knows the subject matter of these procedural requirements. These are largely the requirements of the common law of England, the common law of our States, and everything else all cranked into one.

I do not want to prolong the argument, Mr. President, but I am responsible for saying that this is an impossible system, however well it may look on paper, and it cannot be carried out. It is too broad.

Substantial justice has been done in this country since 1948 in millions and millions of cases. I believe we have the only system now that can properly carry it out, with these members, who are willing to give some of their time and their judgment and go down the street and meet the mothers, sisters, and brothers of those boys on whom they have passed with a clear conscience. I appeal for a continuation of this system. Of course, it is not perfect, but what is?

Mr. President, I yield the floor.

Mr. HARRIS. Mr. President, I rise to offer my support for the amendment introduced by Senator KENNEDY.

Because a decision in selective service matters directly and decisively affects the life of an individual, his understanding of the laws involved, his familiarity with the options open to him, and the opportunity to participate significantly in that decision are vital to the protection of his rights as an individual. Unfortunately, due to inequalities in background or differences in local board procedures, the opportunity for involvement of registrants in the selective process of local and appeal boards is neither equal nor consistent. This amendment goes a long way toward correcting these injustices.

First, a correction long overdue offers the registrant the right to council, providing funds for those unable to pay legal fees. In a system of government which has long recognized the prerogative of counsel in legal matters of great or small consequence, the failure to recognize such a need in a process which invariably alters an individual's life cannot be allowed to continue. Familiarity with selective service options is the key element to the protection of an individual's rights. In the past this familiarity has often been synonymous with the ability to pay for legal advice, thus perpetuating a basic inequality in the Selective Service System.

Second, the bill offers three amendments which increase the involvement of an individual in the selective service process. Two of these amendments concern the right to appear in person before both local and appeal boards, and the requirement of a quorum during such appearances. The first gives the individual the right to personally state his position; the latter guarantees that those with the authority to judge his sincerity must be witness to his presentation. The third affirms the right of an individual to use witnesses in his presentation, an opportunity presently offered solely at the discretion of the board. This inconsistency perpetuates another inequality in the Selective Service System.

Last, the amendment requires a written explanation of a board's decision. This guarantees that an individual's carefully prepared case will not be lightly taken and strengthens his ability to appeal what he might feel constitutes an unjust decision. To be denied an understanding of the basis of a board's ruling is a serious handicap in a preparation to appeal it.

When an individual's future stands subject to significant change, it is his right to be involved in determining the course of that change. I offer my support to this amendment because it increases the opportunity for and probability of the consistently equal participation of those affected by the selective service laws and affords them the opportunity to fully appreciate the options open to them.

Mr. KENNEDY. Mr. President, I yield myself 1 minute to say that we afford the same rights to companies and corporations that pollute the atmosphere and come before the Environmental Protection Administration. We afford the same rights to corporations who appear before the Federal Communications Commission. We afford the same rights to tax delinquents who come before the Internal Revenue Service. I say that we can afford to provide the same kind of basic, fundamental rights to those who might be asked to make the supreme sacrifice for their country. That is all we are trying to do in terms of this amendment.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GAMBRELL). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment (No. 139) of the Senator from Massachusetts (Mr. KENNEDY).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the distinguished senior Senator from Louisiana (Mr. ELLENDER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Maine (Mr. MUSKIE), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Virginia (Mr. SPONG) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from California (Mr. TUNNEY) would each vote "yea".

Mr. SAXBE. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Massachuetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. BUCKLEY), the Senator from Ohio (Mr. TAFT), and the Senator from Michigan (Mr. GRIFFIN) are necessarily absent.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business at the White House.

If present and voting, the Senator from Utah (Mr. BENNETT), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay".

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Pennsylvania (Mr. SCOTT). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Pennsylvania would vote "nay".

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Delaware (Mr. BOGGS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Delaware would vote "nay".

The result was announced—yeas 32, nays 44, as follows:

[No. 103 Leg.]

YEAS—32

Bayh	Hughes	Nelson
Bentsen	Humphrey	Pell
Burdick	Javits	Percy
Byrd, W. Va.	Kennedy	Proxmire
Case	Mansfield	Randolph
Cook	Mathias	Ribicoff
Eagleton	McGovern	Schweiker
Gravel	McIntyre	Stevens
Harris	Metcalf	Stevenson
Hart	Mondale	Symington
Hatfield	Montoya	

NAYS—44

Aiken	Eastland	Moss
Allen	Ervin	Pastore
Allott	Fannin	Pearson
Anderson	Fong	Prouty
Baker	Gambrell	Roth
Beall	Gurney	Saxbe
Bellmon	Hansen	Smith
Bible	Hollings	Sparkman
Byrd, Va.	Hruska	Stennis
Cannon	Jordan, N.C.	Talmadge
Cooper	Jordan, Idaho	Thurmond
Cotton	Long	Tower
Curtis	McClellan	Weicker
Dole	McGee	Young
Dominick	Miller	

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED

Magnuson, for.

NOT VOTING—23

Bennett	Ellender	Muskie
Boggs	Fulbright	Packwood
Brock	Goldwater	Scott
Brooke	Griffin	Spong
Buckley	Hartke	Taft
Chiles	Inouye	Tunney
Church	Jackson	Williams
Cranston	Mundt	

So Mr. KENNEDY's amendment (No. 139) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT OF VOTES ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no further rollcall votes tonight.

The amendment which previously had been scheduled for action at this time has been put over until tomorrow because of the fact that the author of the amendment had a dental problem that required attention.

The Senate will come in at 10 o'clock tomorrow morning. There will be action on three amendments tomorrow. The yeas and nays have been ordered on two amendments, and it is expected that the yeas and nays will be requested on the third amendment. It is not anticipated that there will be any rollcall votes after 3:30 p.m. tomorrow.

The distinguished majority leader, I repeat, has asked me to state that a cloture motion will be offered on Monday.

ORDER FOR ADJOURNMENT FROM TUESDAY, JUNE 22, 1971, UNTIL NOON ON WEDNESDAY, JUNE 23, 1971

Mr. BYRD of West Virginia. Mr. President, in view of the fact that a cloture motion will be offered on Monday, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in adjournment until 12 o'clock noon on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENCE OF AMENDMENTS ON TOMORROW

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. On the votes tomorrow we cannot tell definitely, but I believe we will move along fairly fast, at least on some of them. Probably some of the time will be yielded back.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, for the information of the Senate, amendment No. 123 by the Senator from Alaska (Mr. GRAVEL) will be laid before the Senate and made the pending business shortly. There will be no action on it this evening. An agreement has been entered into whereby there is a limitation of 2 hours on that amendment. The Senate will proceed to the consideration of that amendment at 10:30 tomorrow morning. If all the time is used on that amendment—and, of course, some of the time could be yielded back—a vote will occur on amendment No. 123 at about 12:30 p.m. tomorrow.

Upon disposition of that amendment the Senate will proceed to the consideration of amendment No. 137 by the Senator from Oregon (Mr. HATFIELD), which was originally scheduled for today. An agreement limiting time thereon to 1 hour has been entered into. The yeas and nays have been ordered on both amendments, No. 123 and No. 137.

Following the vote on amendment No. 137 the Senate will proceed to the consideration of amendment No. 150 by the Senator from Alaska (Mr. GRAVEL). An agreement has been entered into limiting the time thereon to 1 hour.

When that amendment is disposed of tomorrow, the Chair will lay before the Senate amendment No. 127 by the Senator from Oregon (Mr. HATFIELD). It will be made the pending business and on Monday next at 11:30 a.m. the Chair will lay before the Senate that amendment. A time limitation of 1 hour thereon has been entered into and the yeas and nays have been ordered on that amendment for Monday.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, we all owe a debt of gratitude to the Senator from West Virginia for these agreements. He has worked long and laboriously in working out these matters in a splendid fashion.

Tomorrow morning the first amendment will be contested, but I think probably both sides will yield back some time, so the vote may come before 12:30.

Mr. BYRD of West Virginia. I thank the distinguished manager of the bill. I claim no credit—I have done only what was authorized by the majority leader—but I want to express my appreciation to the manager of the bill and to the leadership of the minority and to all Senators who have cooperated so splendidly in working out these time limitations.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virgina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the fact that various amendments have been scheduled for tomorrow, the time sequence has been finalized, and agreements limiting time thereon have been entered into, I ask unanimous consent that the Pastore germaneness rule be waived throughout the day tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME SET FOR CLOTURE VOTE

Mr. BYRD of West Virginia. Mr. President, lest there be some confusion resulting from my having by unanimous consent set an hour for the convening of the Senate on Wednesday next, let the RECORD be clear that there will continue to be action on amendments on Monday and Tuesday next.

I have merely set the convening time at 12 o'clock on Wednesday next so that Senators will be apprised of the approximate time for a vote on the cloture motion on that day. Under rule XXII, the vote on the cloture motion would occur on the second day on which the Senate is in session following the day the motion was introduced—in other words, the following calendar day but one—and then 1 hour after the Senate convenes on that day; to wit, Wednesday of next week, the Chair must automatically ask for a quorum call.

When the presence of a quorum is established, the rollcall on the motion to invoke cloture would be automatic under the rule. Consequently, that rollcall vote—depending on how long it takes, of course, to establish the presence of a quorum—would occur at around 1:15 p.m. on Wednesday next.

In the meantime, as already indicated, there will be action on amendments on Monday and Mr. MANSFIELD wanted me to make it indubitably clear that there will be action on amendments throughout the day on Tuesday. Hence, my having emphasized the fact a number of times now.

AMENDMENT NO. 123

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the

Senate amendment No. 123 by Mr. GRAVEL; that it may be made the pending business, with the understanding that time will not begin to run thereon until it is laid before the Senate by the Chair tomorrow morning at 10:30 o'clock.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment (No. 123) as follows:

On page 21, lines 21 and 22, and on page 22, line 20 strike out the words "whether or not a state of war exists" and in both places insert in lieu thereof "when a state of war declared by the Congress exists".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m.

Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 10:30 a.m.

At 10:30 a.m. the Chair will lay before the Senate the pending amendment, which is amendment No. 123 by Mr. Gravel. Time on the Gravel amendment No. 123 will be limited to 2 hours. The yeas and nays have been ordered on that amendment.

Upon the disposition of the Gravel amendment No. 123, the Senate will proceed to the consideration of amendment No. 137, the mover of which is Mr. HATFIELD. An agreement has been entered into limiting the time thereon to 1 hour. The yeas and nays have been ordered thereon, and that will be the second rollcall vote for tomorrow.

Upon the disposition of the Hatfield amendment No. 137, the Senate will proceed to the consideration of amendment No. 150 by Mr. GRAVEL. An agreement has been entered into limiting the time thereon to 1 hour. A rollcall vote thereon is likely.

Upon the disposition of amendment No. 150 by Mr. GRAVEL, the Chair will lay before the Senate, under the agreement already entered into, amendment No. 127 by Mr. HATFIELD, which will be made the pending business for Monday next.

The Pastore germaneness rule has been waived for tomorrow.

When the Senate completes its business tomorrow, under the previous order—which, of course, is subject to change—it will stand in adjournment until 11 a.m. on Monday next.

ADJOURNMENT UNTIL 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 18, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 17, 1971:

U.S. DISTRICT COURTS

Aldon J. Anderson, of Utah, to be a U.S district judge for the district of Utah, vice A. Sherman Christensen, retiring.

CONFIRMATION

Executive nominations confirmed by Senate June 17, 1971:

SECURITIES AND EXCHANGE COMMISSION

A. Sydney Herlong, Jr., of Florida, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1976.

COUNCIL OF ECONOMIC ADVISERS

Ezra Solomon, of California, to be a member of the Council of Economic Advisers.

HOUSE OF REPRESENTATIVES—*Thursday, June 17, 1971*

The House met at 11 o'clock a.m.

Rabbi Chaim U. Lipschitz, managing editor, the Jewish Press, Brooklyn, N.Y., offered the following prayer:

Our G-d, and G-d of our Fathers, reign Thou in Thy glory over the whole universe, and be exalted, above all in Thy honor.

Shine forth in the splendor and excellence of Thy might upon all the inhabitants of Thy world.

All who were created will understand that Thou hast created them. Let all those who breathe, call out, "The L-rd our G-d ruleth over all." Satisfy us with and gladden us with Thy salvation.

May G-d bless this country so that it should continue to prosper in the path of true democracy. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

RABBI DR. CHAIM U. LIPSCHITZ

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, it is indeed an honor and privilege to welcome Rabbi Dr. Chaim U. Lipschitz and to thank him for the moving prayer with which he opened today's session of the House of Representatives. I have known Rabbi Lipschitz for the many years that he has been a leader in Brooklyn's Jewish Community. Rabbi Lipschitz was born in Jerusalem, the son of Grand Rabbi Moses Lipschitz. After completing his studies in Israel he served with the American Consul General in Israel starting in 1936. Two years later he came to this country and the Congregation Chevra Machzikai Hadaath in Philadelphia. In 1951, he came to lead the Ohev Sholom congregation in Brooklyn. He is a charter member and a member of the Presidium of the Metropolitan Orthodox Board of Rabbis. And he is many things more; author, editor, newspaperman, and originator of radio and television programs concerned with the way of life of American Jewry. He is an activist in the finest sense of the word in the fields of human rights, education, antidiscrimination, and health care. He is a cultured, humane, hard-working man of God who has spent his life helping his fellow man. And we are indeed gratified that he is with us here this morning.

EMERGENCY INDEMNITY PAYMENTS TO FARMERS

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, yesterday I, along with the esteemed gentleman from South Carolina (Mr. MCMILLAN), introduced the bill H.R. 9205. This bill would provide emergency indemnity payments to any farmers who suffer total economic loss as the result of a natural disaster.

The need for this legislation was brought home to me last week when a severe hailstorm struck my district, wiping out numbers of tomato and cucumber farmers just as they were ready to pick their crops.

Now, these men cannot be helped by emergency loans. Only last year they were nearly destroyed by a drought and have borrowed to the limits of their credit. Unless they are helped by indemnity payments they—and all those dependent on them for jobs and business—will be ruined.

Rather than introduce a private relief measure, we have introduced general legislation. I am sure that Charleston County is not unique. Other farmers are being ruined by similar catastrophes. If we are to preserve our farms, this body must take some action to protect our farmers from such natural disasters. I hope my colleagues will give this their consideration.

DISCLOSURES OF MATERIAL ON THE VIETNAM WAR

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, I was amazed to read in the Washington Post this morning the feature story whose headlines read, "He didn't lie."

Mr. Speaker, I have no knowledge of anyone's calling this distinguished gentleman a liar or stating that he did lie. However, the cloud overhanging the recent disclosures of the New York Times probably dictated the denial.

Mr. Speaker, I am reminded of the quotation, "The wicked flee when no man pursueth: but the righteous are as bold as the lion."

Mr. Speaker, it seems to me the basis of the reassessment of the causes of the war in Vietnam by Mr. McNamara was that this genius of Edsel fame lost track of the causes and the course of this awful war.

It seems to me that even the people who are the architects of the war in Vietnam forgot why they were there and why it was started. This necessitated the study of why the war was begun and the history of the Vietnam war following.

The conduct of this war from beginning to end causes us again to think, "Oh, what a tangled web we weave, when first we practice to deceive."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT UNTIL MIDNIGHT TOMORROW

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MEMBERS OF CONGRESS SHOULD BE FULLY INFORMED WITH RESPECT TO OUR CONTINUING INVOLVEMENT IN VIETNAM

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. As I stated yesterday, I believe we in the House owe a special obligation to the Constitution, to our constituents and to ourselves to be fully informed on all aspects of any matter on which we vote.

This is particularly true with respect to our continuing involvement in Vietnam.

We are not so informed today. The Department of Defense has refused, and continues to refuse congressional requests for pertinent information on Vietnam and Laos, and in particular, with respect to the Defense Department's Vietnam task force study completed in 1968.

Until we have access to such study and any and all other facts relative to Southeast Asia, we cannot vote wisely and in good conscience. Most important of all, we cannot perform the responsibilities of our oath of office as Members of the House.

I, therefore, move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from California (Mr. McCLOSKEY).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. McCLOSKEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 30, nays 369, answered "present" 2, not voting 32, as follows:

[Roll No. 141]

YEAS—30

Abzug	Harrington	Rangel
Bingham	Hawkins	Rees
Burton	Hechler, W. Va.	Reid, N.Y.
Chisholm	Jacobs	Riegle
Collins, Ill.	Koch	Rosenthal
Conyers	Link	Roybal
Dellums	McCloskey	Ryan
Edwards, Calif.	Metcalfe	Stokes
Gibbons	Mitchell	Waldie
Halpern	Morse	Wolff

NAYS—369

Abbitt	Burke, Mass.	Eckhardt
Abernethy	Burleson, Tex.	Edmondson
Abourezk	Burlison, Mo.	Edwards, Ala.
Adams	Byrnes, Wis.	Eilberg
Addabbo	Byron	Erlenborn
Alexander	Caffery	Esch
Anderson, Calif.	Camp	Eshleman
Anderson, Ill.	Carey, N.Y.	Evans, Colo.
Anderson, Tenn.	Carney	Evins, Tenn.
Andrews, Ala.	Carter	Fascell
Andrews, N. Dak.	Casey, Tex.	Findley
Annunzio	Cederberg	Fish
Archer	Celler	Fisher
Arends	Chamberlain	Flood
Ashbrook	Chappell	Flowers
Ashley	Clancy	Flynt
Aspin	Clark	Foley
Aspinall	Clausen, Don H.	Ford, Gerald R.
Badillo	Clawson, Del	Forsythe
Baker	Cleveland	Fountain
Baring	Collier	Frelinghuysen
Barrett	Collins, Tex.	Frenzel
Begich	Colmer	Frey
Belcher	Conable	Fulton, Pa.
Bell	Conte	Fulton, Tenn.
Bennett	Corman	Fuqua
Bergland	Cotter	Galifianakis
Betts	Coughlin	Garmatz
Bevill	Culver	Gaydos
Biester	Daniel, Va.	Gettys
Blackburn	Daniels, N.J.	Giaimo
Blanton	Danielson	Goldwater
Blatnik	Davis, Ga.	Gonzalez
Boggs	Davis, S.C.	Goodling
Boland	Davis, Wis.	Green, Oreg.
Bolling	de la Garza	Green, Pa.
Bow	Delaney	Griffin
Brademas	Dellenback	Griffiths
Brasco	Denholm	Gross
Bray	Dennis	Grover
Brinkley	Derwinski	Gubser
Brooks	Devine	Gude
Broomfield	Dickinson	Hagan
Brotzman	Diggs	Haley
Brown, Mich.	Dingell	Hall
Brown, Ohio	Dow	Hamilton
Broyhill, N.C.	Dowdy	Hammer-schmidt
Broyhill, Va.	Downing	Hanley
Buchanan	Dulski	Hanna
Burke, Fla.	Duncan	Hansen, Idaho
	du Pont	Hansen, Wash.
	Dwyer	Harsha
	Harvey	Miller, Calif.
	Hastings	Miller, Ohio
	Hathaway	Mills, Ark.
	Hays	Mills, Md.
	Hébert	Minish
	Heckler, Mass.	Mink
	Henderson	Minshall
	Hicks, Mass.	Mizell
	Hicks, Wash.	Mollohan
	Hillis	Monagan
	Hogan	Montgomery
	Holifield	Moorhead
	Horton	Morgan
	Howard	Mosher
	Hull	Moss
	Hungate	Murphy, Ill.
	Hunt	Murphy, N.Y.
	Hutchinson	Myers
	Ichord	Natcher
	Jarman	Nedzi
	Johnson, Calif.	Nelsen
	Johnson, Pa.	Nichols
	Jonas	Nix
	Jones, Ala.	Obey
	Jones, N.C.	O'Hara
	Jones, Tenn.	O'Konski
	Karth	O'Neill
	Kastenmeier	Passman
	Kazen	Patman
	Keating	Patten
	Kee	Pepper
	Kemp	Perkins
	King	Pettis
	Kluczynski	Peyser
	Kuykendall	Pickle
	Kyl	Pike
	Kyros	Pirnie
	Landgrebe	Poage
	Landrum	Podell
	Latta	Poff
	Lennon	Powell
	Lent	Preyer, N.C.
	Lloyd	Price, Ill.
	Long, Md.	Price, Tex.
	Lujan	Pryor, Ark.
	McClory	Pucinski
	McClure	Purcell
	McCollister	Quie
	McCormack	Railsback
	McDade	Randall
	McDonald, Mich.	Rarick
	McEwen	Reid, Ill.
	McFall	Reuss
	McKay	Rhodes
	McKevitt	Roberts
	McKinney	Robinson, Va.
	McMillan	Robison, N.Y.
	Macdonald, Mass.	Rodino
	Madden	Roe
	Mahon	Rogers
	Mailliard	Roncalio
	Mann	Rooney, N.Y.
	Martin	Rooney, Pa.
	Mathis, Ga.	Rostenkowski
	Matsunaga	Roush
	Mayne	Rousselot
	Mazzoli	Roy
	Meeds	Ruth
	Melcher	St Germain
	Michel	Sandman
	Mikva	Satterfield
		Saylor
		Scheuer
		Schmitz
		Schneebeli
		Schwengel
		Scott
		Sebelius
		Seiberling
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Skubitz
		Smith, Calif.
		Smith, Iowa
		Snyder
		Spence
		Springer
		Stafford
		Stanton, J. William
		Stanton, James V.
		Steed
		Steele
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stratton
		Stubblefield
		Stuckey
		Sullivan
		Symington
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Terry
		Thompson, N.J.
		Thomson, Wis.
		Thone
		Tiernan
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Vigorito
		Waggonner
		Wampler
		Ware
		Watts
		Whalen
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Winn
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zion
		Zwach

ANSWERED "PRESENT"—2

Drinan	Leggett

NOT VOTING—32

Biaggi	Gallagher	Ruppe
Byrne, Pa.	Grasso	Sarbanes
Cabell	Gray	Scherle
Clay	Helstoski	Slack
Crane	Hosmer	Smith, N.Y.
Dent	Keith	Staggers
Donohue	Long, La.	Thompson, Ga.
Dorn	McCulloch	Veysey
Edwards, La.	Mathias, Calif.	Wilson, Charles H.
Ford, William D.	Pelly	
Fraser	Quillen	
	Runnels	

So the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leomar, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and

a joint resolution of the House of the following titles:

On June 2, 1971:

H.R. 4209. An act to amend the Revised Organic Act of the Virgin Islands.

On June 4, 1971:

H.R. 5765. An act to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; and

H.J. Res. 583. Joint resolution designating the last full week in July of 1971 as "National Star Route Mail Carriers Week."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT UNTIL MIDNIGHT TOMORROW

Mr. STEED. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for Treasury-Postal Service-General Government for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ROBISON of New York reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SCHEDULE ON APPROPRIATION BILLS

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, I wish to alert all Members that on tomorrow, June 18, the Committee on Appropriations is meeting to consider and report two major appropriation bills:

First, the Agriculture-environmental and consumer protection programs appropriation bill for 1972, and

Second, the Treasury-Postal Service-General Government appropriation bill for 1972.

Copies of the printed hearings have been released over a period of time and are available in the committee rooms, H–218 in the Capitol.

Copies of the bills and reports will be available tomorrow in the committee rooms as soon as the bills are reported. We plan to meet in the morning on the Agriculture-environmental and consumer protection bill, so I would say they should be available during the noon hour.

The Treasury-Postal Service-General Government bill and the report thereon should be available later tomorrow afternoon.

Mr. Speaker, the exact floor schedule for these bills will of course be announced by the leadership.

Looking to next week, Mr. Speaker, the committee is scheduled to report three more major appropriation bills:

First. On Monday next, June 21, we are meeting to consider and report the State-Justice-Commerce-Judiciary bill for 1972. Hearings on this bill are available in the committee rooms, and the bill and report will be available probably by about the noon hour on Monday.

Second. Then on Wednesday, June 23, we are meeting to consider and report the appropriation bill for the Department of Housing and Urban Development, the Space agency, Science Foundation, and Veterans Administration for 1972.

Third. And on Thursday, June 24, we expect to report the Interior appropriation bill for 1972.

Printed hearings on the Interior bill are available. Some of those on the HUD-space-science-veterans bill are available; others will be available shortly. Bills and reports will be available at the committee rooms as soon as they are reported.

The floor schedule for these bills will also be arranged in cooperation with the leadership but I can say we hope to pass all of them in the House by June 30.

Since most of the bills will not be enacted into law by July 1, the beginning of the new fiscal year, we will also need to bring in a continuing resolution several days before the beginning of the new fiscal year.

I might add, Mr. Speaker, that we would expect to be able to report the Transportation appropriation bill right after the July 4 break. Other bills will be coming along during July as they are ready, provided there are no major authorization hang-ups. Our goal is still to get all the regular appropriation bills for fiscal 1972 to the House before the August 6 summer break.

TRUTH HURTS

(Mr. JACOBS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JACOBS. Mr. Speaker, more data from the administration's "department of truth hurts" has arrived at my office in a plain brown wrapper, to wit:

Once upon another time—and yet the same Times—a little girl and her dog visited a wonderful Wizard, oddly enough.

Because, because, because, because—well, er—because of the wonderful things his fifty P.R. men said he does.

But her puppy was a doubting dog—your incredulous canine.

And the Wizard, because of a gap in the curtain, feared it was about to be curtains, credibility-wise.

So he huffed and he puffed and he fussed and he fumed, "restrain your dog while in this room."

And all this just so the Wizard might live happily ever after.

NEDZI-WHALEN AMENDMENT NOT IN THE BEST INTERESTS OF OUR COUNTRY

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, there has been great interest in this country regarding the Nedzi-Whalen amendment because the sponsors have claimed that it will end the war on December 31, 1971. In doing an in depth study, I find that what it says, in effect, is that no equipment purchased under this authorization will be used by our troops in South Vietnam, Cambodia, or Laos.

Mr. Speaker, before any of this equipment would be available, several years will have passed. This is an authorization bill. Next, money will have to be appropriated. After that, orders would have to be placed and contracts negotiated. Then equipment would have to be manufactured. I do not anticipate that we will be in Vietnam at that time; therefore, of what value is this amendment, other than political propaganda?

Because of this, I have come to the conclusion that it is not in the best interests of our country for me to support this amendment.

APPOINTMENT OF CONFEREES ON H.R. 7016, OFFICE OF EDUCATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. FLOOD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLOOD moves to take from the Speaker's table the bill (H.R. 7016) making appropriations for the Office of Education and related agencies, for the fiscal year ending June 30, 1972, and for other purposes, with the Senate amendments thereto, disagree to the amendments of the Senate, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, on April 7, the House passed the education appropriation bill, and it passed the Senate last week. The Senate and House bills are about $815 million apart. We intend to go to conference and, very frankly, work out a compromise which will provide a very substantial increase over last year's appropriations for educational purposes, and bring back to you a bill which we believe can become law by the beginning of the fiscal year 1972, July 1.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

Th SPEAKER. For what purpose does the gentleman from Maine rise?

MOTION OFFERED BY MR. HATHAWAY

Mr. HATHAWAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HATHAWAY moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill, H.R. 7016, be instructed to agree to all the Senate amendments.

PREFERENTIAL MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. FLOOD of Pennsylvania moves to lay on the table the motion of the gentleman from Maine, Mr. HATHAWAY.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Pennsylvania.

Mr. HATHAWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 182, answered "present" 1, not voting 22, as follows:

[Roll No. 142]

YEAS—228

Abbitt	Frenzel	Passman
Abernethy	Frey	Patten
Alexander	Fuqua	Pettis
Anderson, Ill.	Giaimo	Peyser
Andrews, Ala.	Goldwater	Pickle
Andrews, N. Dak.	Goodling	Pike
	Green, Oreg.	Pirnie
Annunzio	Griffin	Poage
Archer	Gross	Poff
Arends	Grover	Powell
Ashbrook	Gubser	Price, Tex.
Aspinall	Haley	Quie
Baker	Hall	Quillen
Baring	Hammer-schmidt	Railsback
Belcher		Rarick
Bennett	Hansen, Idaho	Reid, Ill.
Betts	Hansen, Wash.	Rhodes
Blackburn	Harsha	Roberts
Boland	Harvey	Robinson, Va.
Bow	Hastings	Robison, N.Y.
Bray	Hébert	Rogers
Broomfield	Henderson	Rooney, N.Y.
Brotzman	Hillis	Rooney, Pa.
Brown, Ohio	Hogan	Ruth
Broyhill, N.C.	Holifield	Sandman
Broyhill, Va.	Hosmer	Satterfield
Buchanan	Hull	Saylor
Burke, Fla.	Hunt	Schmitz
Burleson, Tex.	Hutchinson	Schneebeli
Burlison, Mo.	Ichord	Schwengel
Byrnes, Wis.	Jarman	Scott
Cabell	Johnson, Pa.	Sebelius
Caffery	Jonas	Shoup
Camp	Jones, Ala.	Shriver
Carter	Jones, N.C.	Sikes
Casey, Tex.	Jones, Tenn.	Skubitz
Cederberg	Keating	Slack
Chamberlain	Kee	Smith, Calif.
Chappell	Keith	Smith, Iowa
Clancy	Kemp	Smith, N.Y.
Clausen, Don H.	King	Snyder
	Kuykendall	Spence
Clawson, Del	Kyl	Springer
Cleveland	Landgrebe	Stafford
Collier	Landrum	Stanton, J. William
Collins, Tex.	Latta	
Colmer	Lennon	Steed
Conable	Lent	Steele
Conte	Lloyd	Steiger, Ariz.
Coughlin	Lujan	Steiger, Wis.
Crane	McClory	Stubblefield
Daniel, Va.	McCloskey	Talcott
Davis, Ga.	McClure	Teague, Calif.
Davis, Wis.	McCollister	Teague, Tex.
Dellenback	McDade	Terry
Dennis	McEwen	Thompson, Ga.
Derwinski	McFall	Thomson, Wis.
Devine	McKevitt	Thone
Dickinson	McKinney	Waggonner
Downing	McMillan	Wampler
Duncan	Mahon	Ware
du Pont	Mailliard	Watts
Dwyer	Mann	Whalley
Edwards, Ala.	Martin	Whitten
Erlenborn	Mayne	Widnall
Eshleman	Michel	Wiggins
Evins, Tenn.	Miller, Ohio	Williams
Fascell	Mills, Ark.	Wilson, Bob
Findley	Mills, Md.	Winn
Fish	Minshall	Wydler
Fisher	Mizell	Wylie
Flood	Monagan	Wyman
Flowers	Montgomery	Young, Fla.
Flynt	Morse	Zablocki
Ford, Gerald R.	Myers	Zion
Forsythe	Natcher	Zwach
Fountain	Nelsen	
Frelinghuysen	O'Konski	

NAYS—182

Abourezk	Barrett	Brademas
Abzug	Begich	Brasco
Adams	Bell	Brinkley
Addabbo	Bergland	Brooks
Anderson, Calif.	Bevill	Brown, Mich.
	Biester	Burke, Mass.
Anderson, Tenn.	Bingham	Burton
	Blanton	Byrne, Pa.
Ashley	Blatnik	Byron
Aspin	Boggs	Carey, N.Y.
Badillo	Bolling	Carney
Celler	Heckler, Mass.	Preyer, N.C.
Chisholm	Hicks, Mass.	Price, Ill.
Clark	Hicks, Wash.	Pryor, Ark.
Clay	Horton	Pucinski
Collins, Ill.	Howard	Purcell
Conyers	Hungate	Randall
Corman	Jacobs	Rangel
Cotter	Johnson, Calif.	Rees
Culver	Karth	Reid, N.Y.
Daniels, N.J.	Kastenmeier	Reuss
Danielson	Kazen	Riegle
Davis, S.C.	Kluczynski	Rodino
de la Garza	Koch	Roe
Delaney	Kyros	Roncalio
Dellums	Leggett	Rosenthal
Denholm	Link	Rostenkowski
Diggs	Long, Md.	Roush
Dingell	McCormack	Roy
Dow	McDonald, Mich.	Roybal
Drinan		Ryan
Dulski	McKay	St Germain
Eckhardt	Macdonald, Mass.	Sarbanes
Edmondson		Scheuer
Edwards, Calif.	Madden	Seiberling
Eilberg	Mathis, Ga.	Shipley
Esch	Matsunaga	Sisk
Evans, Colo.	Mazzoli	Stanton, James V.
Ford, William D.	Meeds	
	Melcher	Stephens
Fraser	Metcalfe	Stokes
Fulton, Pa.	Mikva	Stratton
Fulton, Tenn.	Miller, Calif.	Stuckey
Galifianakis	Minish	Sullivan
Gallagher	Mink	Symington
Garmatz	Mitchell	Taylor
Gaydos	Mollohan	Thompson, N.J.
Gettys	Moorhead	Tiernan
Gibbons	Morgan	Udall
Gonzalez	Mosher	Ullman
Green, Pa.	Moss	Van Deerlin
Griffiths	Murphy, Ill.	Vander Jagt
Gude	Murphy, N.Y.	Vanik
Hagan	Nedzi	Vigorito
Halpern	Nichols	Waldie
Hamilton	Nix	Whalen
Hanley	Obey	White
Hanna	O'Hara	Whitehurst
Harrington	O'Neill	Wolff
Hathaway	Patman	Yates
Hawkins	Pepper	Yatron
Hays	Perkins	Young, Tex.
Hechler, W. Va.	Podell	

ANSWERED "PRESENT"—1

Rousselot

NOT VOTING—22

Biaggi	Gray	Scherle
Dent	Helstoski	Staggers
Donohue	Long, La.	Veysey
Dorn	McCulloch	Wilson, Charles H.
Dowdy	Mathias, Calif.	
Edwards, La.	Pelly	Wright
Foley	Runnels	Wyatt
Grasso	Ruppe	

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. PELLY for, with Mr. DENT against.

Mr. SCHERLE for, with Mr. CHARLES H. WILSON against.

Mr. RUPPE for, with Mr. FOLEY against.

Mr. VEYSEY for, with Mrs. GRASSO against.

Mr. MATHIAS for, with Mr. DONOHUE against.

Mr. WYATT for, with Mr. BIAGGI against.

Mr. DOWDY for, with Mr. STAGGERS against.

Until further notice:

Mr. WRIGHT with Mr. HELSTOSKI.

Mr. GRAY with Mr. RUNNELS.

Mr. DORN with Mr. EDWARDS of Louisiana.

Mr. MURPHY of New York and Mr. RANDALL changed their votes from "yea" to "nay."

Mr. PICKLE, Mr. COLLINS of Texas, Mr. POWELL, and Mr. BOB WILSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. FLOOD, NATCHER, SMITH of Iowa, HULL, CASEY of Texas, PATTEN, MAHON, MICHEL, SHRIVER, Mrs. REID of Illinois, and Messrs. CONTE and BOW.

EXPLANATION OF VOTE ON TABLING MOTION

Mr. RANDALL. Mr. Speaker, I call attention to the fact that on the rollcall vote to table the motion to instruct the conferees on H.R. 7016 pertaining to the conference report making appropriations for the Office of Education I voted to table this motion and subsequently changed my vote from aye to nay.

I insert this explanation at this time because as well as I can recall this is the first time in my 13 years here that I have changed my vote in the well. In hurriedly discussing the provisions of the conference report with one of the committee staff I understood correctly that the motion of the gentleman from Maine (Mr. HATHAWAY) was to instruct the conferees to accept the Senate version on appropriations for the Office of Education.

What I did not understand was that the motion of the gentleman from Maine to instruct the conferees was substantially identical to the "Hathaway package" which I had supported in April and which failed back on April 7 by four votes. The reason I changed my vote was because if I was to be consistent by supporting the Hathaway package last April then I should support the Hathaway motion to instruct the conferees.

Ordinarily, I am not constrained to tie the hands of our conferees. On the other hand as I have said so many times I find it most difficult to vote against increased appropriations for purposes of education. After provision for our national security, and then funds for medical research, the appropriations for education comes very near the top of my list of priorities for appropriations.

I was disappointed to learn that there was no additional funding provided for category A and B children in the appropriations for Public Law 874, being assistance for federally impacted areas. At the present time even with the additions added earlier by the House there is only a 73 percent entitlement for category B children, being the children of parents who work on Federal property but live in the community, and only a 90 percent entitlement for category A children being the children of parents who both live and work on Federal property and are thus a direct burden on school districts by reason of Federal activity.

I was also disappointed to note that the sole increase of $60 million for Public Law 874 instead of going to category A and B children was instead an appropriation for category C children to provide payments to school districts of children who reside in public housing. That was never the intent at the inception of Public Law 874. This appropriations bill apparently breaches the barrier against such category C children which we have always been able to maintain heretofore. However, it was encouraging to note that the other category of assistance for federally impacted areas, being Public Law 815, or assistance in school construction was increased by approximately $25 mil-

lion which is sorely needed for brick and mortar by those school districts that have to carry the load of category A and B children.

Overall, Mr. Speaker, a no vote being against the motion to table the motion to instruct the conferees is a vote for increased funding for a better education of the children of our country and at the expense of being repetitive such appropriations should enjoy a high priority by all the Members of the House.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH AUTHORIZATIONS, 1971

Mr. HÉBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8687, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the Committee rose on yesterday it had agreed that title IV of the bill, ending on page 7, line 4, would be considered as read and open to amendment at any point. An amendment by the gentleman from Michigan (Mr. NEDZI) had been offered and read. The Clerk will rereport the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEDZI:

Page 7, line 4 after the period insert:

"SEC. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI) for 5 minutes in support of his amendment.

Mr. HÉBERT. Mr. Chairman, I would appreciate it if the gentleman would yield to me to make a statement at this time, and ask unanimous consent that the time consumed not be counted in the gentleman's time.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Chairman, on yesterday I informed the House as to the situation in connection with the consideration of this legislation. I wish today to again inform the House as to the status and procedure which we will follow today.

As I suggested on yesterday, there will not be any attempt on my part to cut off debate in any way whatsoever. I indicated that in my opening statement, and I repeat it now. As to the length of time we devote to the legislation, that is entirely in the hands of the Members of this body and not in my hands.

There is only one stipulation I do make, that is, this bill is going to be finished today; it is not going to go over until tomorrow. We will finish today. As to the length of time it takes today, that all depends on how many demands are made for teller votes with clerks. As you may recognize, there was much time consumed in votes yesterday, the result of which was obviously known before the vote was taken. I do not criticize those who proceeded in this manner. It is their right to know exactly how strong or how weak they are in their legislative proposals, and I will not deny them that right. However, I emphasize again we will finish this bill today. We will proceed with the amendments at the desk, and the time we leave here will depend upon you and not upon me.

Mr. HALL. Will the gentleman yield?

Mr. HÉBERT. Yes. I yield to the gentleman.

Mr. HALL. I appreciate my distinguished chairman yielding to me.

In that same vein and in the same spirit, I wish that the Committee would be on notice that there will not be a general granting of unanimous-consent requests for continued use of time and repetitive explanations of the various amendments. We all know the question and issues. Few minds will change by belaboring them with oratory, and least of all political demagoguery.

Mr. HÉBERT. Of course, it is the gentleman's right to exercise his right of objection.

Mr. HALL. I thank the gentleman for yielding to me. Under our procedures there are proper ways for adequacy.

The CHAIRMAN. The gentleman from Michigan (Mr. NEDZI) is recognized for 5 minutes in support of his amendment.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to proceed for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Chairman, I object.

Mr. NEDZI. I thank the gentleman from Missouri for his customary courtesy.

Mr. Chairman, I think it is regrettable that we have a matter that has generated so much interest and so much controversy that one is constrained to rely on the rules of the House to prevent a detailed explanation of it by someone who has been intimately involved in the process, but those are the rules.

Mr. Chairman, the war in Vietnam has torn our Nation apart for too many years.

Even in those moments when it recedes from the headlines we cannot dismiss it from our hearts and minds. It is a paramount issue, perhaps, the paramount issue.

I hope, Mr. Chairman, that we will be spared any parliamentary maneuvers which would deny us a clear-cut opportunity for a vote on the amendment I have the honor of cosponsoring. We are the people's representatives and the people deserve, at long last, to see a manifestation in this body of their deep anguish over the longest war in our Nation's history.

THE PAIN AND THE SORROW

The cost of American involvement in Vietnam is well known to all Americans in every corner of the land and of every political persuasion.

By any of several crucial measurements—the length of time we have stayed, the over 54,000 American lives lost, the money spent, the serious strains inflicted on our economy, and the diversion of our Nation's time, energy, and intellectual and moral vitality from other needs at home and abroad—we have honored our commitments well beyond what could be expected of us.

Let me add to that list two more costs: One is the recent cruel and astounding increase in heroin addiction among American servicemen in Vietnam, as our colleagues, the gentleman from Illinois (Mr. MURPHY) and the gentleman from Connecticut (Mr. STEELE), have so dramatically disclosed in their outstanding report resulting from personal investigations. Second, it must be recognized that our professional military men have been asked to plan and fight an action which is awkward as to terrain, where they are frequently confronted with a dangerous ambiguity between friendly and unfriendly forces, and where political considerations often confuse military ones. This has demeaned the military in the public mind, especially among the youth. As a believer in an effective military preparedness, I am deeply concerned that the character of this dragged-out war is weakening motivation and morale of our Armed Forces to the point where it will be difficult to respond with full effectiveness in case of serious emergency.

NO RECRIMINATIONS

I hope we can refrain from recriminations. I hope we can restrain ourselves from passing moral and political judgments on American officials who acted in what they believed to be the best interests of our Nation.

It serves no purpose to say that we must admit we were wrong in the past. I do say that whatever the facts of the past, whatever the conclusions of the past, now is another time, another mood, another set of facts. What may have been valid in the 1950's and 1960's is no longer tenable in the 1970's. This longest war has gone on too long and has cut too deeply. The burdens outweigh the benefits. Conditions have changed, and we must change.

THE NEDZI-WHALEN AMENDMENT

The amendment offered by Congressman WHALEN and myself would prohibit the expenditure of funds from this procurement authorization after December 31, 1971, to support U.S. military deployment or U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

Let me emphasize this point: it prohibits, after December 31, expenditure of funds under this bill; that is, new money. It does not stop weaponry in the pipeline, it does not prohibit the use of equipment procured in the 6 months of the fiscal year up to December 31. And it does not mandate withdrawal.

What we sought to do was to draft this amendment so that it remained germane to the procurement bill while still maintaining an essential thrust.

This point deserves further emphasis. We are all acquainted with the House rule of germaneness. All efforts to strengthen the amendment resulted in frustration by the rules of the House. Yet, we considered it essential that the people of the United States be provided an opportunity to express their concerns over the war through their elected representatives. This accounts for the narrowness of the amendment and its vulnerability to the charge that it is a do-nothing amendment.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I shall be happy to yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman very much.

It has to be conceded that the bill concerns itself with mainly "long leadtime" military hardware. The acting controller of the Department of Defense has advised me that only $2.4 billion of the authorization is programed for expenditure procurement in fiscal 1972—the period ending July 1, 1972. We must concede that even this amount is in excess of what the value of the actual hardware added to the inventory will be since some of the expenditure will be on account for future deliveries. Present plans for the expenditure of the funds authorized in the bill according to the acting controller call for final expenditures to be made in fiscal 1977 which means that the real "bite" of the amendment will not come until sometime in 1973 or 1974. This, of course, creates some interesting speculations about the reasons for the frantic concerns over this amendment.

Clearly identified opponents of the measure use the familiar dodge that it is not strong enough—it does not do anything. Other opponents more honestly recognize the amendment for what it is—an expression of concern about our continued involvement in Vietnam and an endeavor on the part of the House of Representatives to share in decisions affecting our military involvements. While they regard this as the President's private preserve, which is their right, we believe an opportunity should be provided to those who disagree to do so on the record.

I indicated that some of the funds which we authorize in this bill will not be spent until fiscal 1977 and that increments of hardware in our inventory will not be significant until 1973 or 1974. Yet, we have the spectacle of strenuous lobbying in the White House and in the Halls of Congress against the amendment. One can only conclude that present White House policy does not rule out a substantial American involvement well beyond the year 1972 and I submit that there is no, I repeat no, American interest which warrants the continuing material and spiritual costs of further U.S. groping for a military solution.

Unfortunately, recent disclosures of the New York Times of the duplicity of administration actions in previous years and concerted efforts to suppress further publication are not a source of great comfort to those of us who were Members of the Congress during those critical years.

Our amendment is well within the boundaries of the statement of purpose circulated by our colleagues, Messrs. O'NEILL, ROSTENKOWSKI, CAREY, and CORMAN and within the boundaries of the statement circulated by Messrs. MOSHER, MORSE, GUDE, ESCH, and COUGHLIN.

We offer the amendment with the purpose of providing the House of Representatives with a relatively clear opportunity to express its sentiments on the question of setting a date for ending new U.S. expenditures in Vietnam. It will also be, inevitably, an expression of interest in setting a date certain for withdrawal of all U.S. troops from Vietnam, Cambodia, and Laos.

Our amendment is introduced in the hope that it will serve to facilitate the early release of our prisoners of war, the safe withdrawal of all our troops, and the beginning of those steps urgently needed to heal our Nation's economic and spiritual wounds.

FINALE

The primary objective of U.S. policy in South Vietnam for the past decade has been to assist the South Vietnamese to maintain their own security and determine their own future. We have bought time for them at great, great cost to ourselves.

We cannot stay there indefinitely, as a residual force would suggest. It is incredible that our prisoners will be returned as long as a residual force is there.

Our amendment is an expression of the view that we must withdraw completely and within a relatively early time.

We believe that a congressional initiative is within our constitutional and moral obligations. And we believe the amendment is meaningful.

I ask your support of the amendment.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I think it best to get right to the meat of the cocoanut without any extra long explanation of opinions.

I hold in my hand here a letter from the Secretary of Defense, Mr. Melvin Laird, our former colleague, with whom we served so long and admire so much. I think it best that I read the letter to you, which certainly gives the cogent reasons why this amendment should be voted down.

My dear friend, the gentleman from Michigan, (Mr. NEDZI) has worked long and hard on the amendment, but I am sure that when he realizes and understands what the Secretary of Defense has said he will have second thoughts about the matter.

This is from the Secretary of Defense, dated June 15, 1971, addressed to the Honorable F. EDWARD HÉBERT, Armed Services Committee, House of Representatives, Washington, D.C.:

Dear Mr. CHAIRMAN: The purpose of this letter is to indicate my opposition to the so-called "Nedzi-Whalen" Amendment.

Subsection (a) of this proposed amendment would set a formal and fixed deadline (31 December 1971) for the deployment of US Armed Forces in or the conduct of US military operations in or over Indochina. Subsections (b) through (f) then provide a number of exceptions to this basic prohibition. We believe that taken as a whole this proposed amendment is sufficiently ambiguous so as (1) to cause the Executive Branch considerable difficulty in implementing it, if passed; and (2) to provide the seeds of potential conflict the Executive and the Legislative Branches concerning what is or is not proper interpretation.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Chairman, I realize this is a very controversial amendment and I respect, as I respect few men, the distinguished gentleman who has offered it. But I associate myself with the remarks of the gentleman from Louisiana, the chairman of the committee, with respect to the letter which he received from the Secretary of Defense.

I do not believe we should undertake by legislative fiat to settle the war at a time certain or to tie the hands of the President in any way. I am convinced that the President is just as much against continuing the war as we are. I do believe he has undertaken—although I disagree

with him on most domestic issues—to get our prisoners and our troops back home just as fast as we can do so without being irresponsible in the eyes of the Vietnamese people and people throughout the world.

Mr. HÉBERT. I thank the distinguished Speaker of the House.

He certainly expresses the thoughts I have in my own mind.

Mr. Chairman, I shall continue, in order that the House may be well informed, with the rest of the letter from the Secretary of Defense to which the distinguished Speaker has addressed himself and to which the contents of this amendment which is now before us addressed itself to.

These are the words of the Secretary of Defense:

Looking at the Amendment's basic intent, which is to dictate a formal and fixed timetable for the complete withdrawal of the U.S. from Indochina, President Nixon has repeatedly outlined his reasons for opposing such a unilateral step and I do not believe I need repeat those again. I would, however, like to provide the following amplifying thoughts specifically related to this or any other limiting amendments:

The Vietnamization program has gained momentum and is working. The South Vietnamese, with our help, are rapidly improving their armed forces. Their readiness to successfully defend themselves without U.S. support or assistance cannot be made to coincide with a predetermined and arbitrary timetable.

Providing the number and quality of leaders and skilled personnel for the ARVN requires time. Sophisticated skills must be taught so that the Vietnamese can operate and maintain the equipment we have provided them.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MONTGOMERY. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. Chairman, continuing to read the letter from the Secretary of Defense:

The Administration must have sufficient flexibility to continue support for the South Vietnamese forces. We should not abrogate our responsibility to continue to provide material and maintenance support through a military mission of some sort.

Continuing U.S. air support is critical while the Vietnamese increasingly assume responsibility for their own defense.

This is very important now.

This amendment—

Meaning the amendment offered by the gentleman from Michigan and the gentleman from Ohio—

This amendment would preclude this vital aspect of our efforts to obtain a just and lasting peace in Indochina.

Finally, let me reiterate what I have said so often: we are trying to bring about an early end to the involvement of US forces in Indochina. By every measurement, our involvement is down. In view of this progress, I believe that the President's program should be allowed to proceed. To arbitrarily terminate US support to those to whom we have given the ultimate commitment of the lives of our fighting men would be a tragic mistake.

I submit to you, ladies and gentlemen of the Committee, those are the words of the one individual who is responsible in the Defense Department, the Secretary of Defense, the words of an individual who served in this body so long and with such high respect and regard. He was selected from this body to serve as Secretary of Defense. Those are the words of Mel Laird. Those are the words that Mel Laird himself would speak to you today if he were given the privilege of standing in the well once again where he stood so often to provide for the security of this Nation and to provide for its defense.

He asks no quarter of any men, nor need he give to any man in his understanding, appreciation, dedication, and determination to keep this country safe and sound. No man knows more about the situation in Vietnam today than does Mel Laird and he gives every indication of being one of our greatest Secretaries of Defense. I stand on his testimony and accept his testimony. I offer his testimony to you as the soundest, most logical argument to follow. Let the peace talks in Paris be the vehicle through which we negotiate an end to this war. Let us not telegraph our punches to the enemy by legislative fist.

The President of the United States has kept every word that he has given to us in this matter, and he has delivered in every instance. All you have to do is look at the figures and statistics coming out every week, the attacks and the counterattacks, and you will see where the war is in fact winding down.

Richard Nixon did not make this war. He inherited it, and he promised to stop it as quickly as he could. He is doing exactly that in keeping his word, and it is time that we support him. Remember, we have only one President. He is the President not of Republicans or of Democrats, but President of all Americans, and he advises us in this instance through his Secretary of Defense.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman very much for yielding.

Mr. Chairman, after hearing the letter of the Secretary of Defense, I did not recognize my own amendment. Could the Chairman enlighten us as to where in my amendment there is any dictation of a formal and fixed timetable for complete withdrawal?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHALEN. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

Mr. Chairman, last Tuesday during formal debate I outlined what this Nedzi-Whalen amendment would do and what it would not do. I concluded that, despite its limitations as a result of the germaneness question, this is a very significant amendment. I concluded further that if it were adopted, it would represent a very clear message from the people of the United States through their elected Representatives in the House of Representatives that we want to terminate our involvement in Indochina.

I would like to move now to the central question and that is our military involvement in South Vietnam.

There are many ways in which we can discuss this question. There is, of course, the legal issue. There is the moral question of our involvement and, parenthetically, a majority of the American people, according to the Gallup poll, now feel that our involvement in Vietnam is immoral.

I hope that the Members of this body will excuse me for concentrating, during the time allotted me, on an area that is related to my background as an economist, and that is the utilization of what I would term scarce resources.

Mr. Chairman, in my opinion, we are engaged in a tragic waste of scarce resources, human, and financial, as a result of our involvement in South Vietnam.

When anyone undertakes an effort, be it an individual, a business firm or an organization, he usually assesses the effort in the light of two criteria. First, what is the objective of the effort? Second, what does it cost in terms of human and financial resources in the light of the benefits that are expected?

I should like to apply our Indochina involvement against these two criteria.

First, what is our objective? Mr. Chairman, it is sad to relate but we have no objective in Indochina. Every stated goal that has been made by the executive branch ultimately has been discarded by successive Presidents. This would include the domino theory, the stop communism argument, and so forth. Mr. Chairman, regrettably, we really do not know why we are involved militarily in Indochina.

Now, that notwithstanding, let us take a look at the second criterion; namely, the cost-benefit relationship.

What are the costs? Let me just relate a few. We have lost 55,000 lives in South Vietnam. Yesterday we received notice of our 300,000 casualty as a result of the conflict in Indochina. During the past 7 fiscal years we have spent $120 billion of the taxpayers' money in this fight. As a result of this we have diverted from domestic problems not only our financial resources but also our energies. And, of course, as a result of this huge expenditure of funds we have created a troublesome inflation problem these past 4 years. We have seen division in our own country as a result of the war, and we have also seen a deterioration of the morale not only of the private sector of our country, but also of the Armed Forces themselves.

I believe no one stated it better last year than the late chairman of the Committee on the House Armed Services when he said as a result of this war our involvement in Vietnam, we have hurt ourselves militarily. The cost has been huge.

What are the benefits? We have received absolutely no benefits that I can see from this engagement. Even if we were to drive the Communists out of South Vietnam, even if militarily we in

the United States were to post forces in North Vietnam, I cannot see where we would have any economic or any security benefits from such activities.

Mr. Chairman, we are Members of a coequal branch of Government, the legislative body. We have a responsibility to identify problems, to act upon those problems. As I said Tuesday, I believe the greatest problem confronting us in the United States today, indeed the greatest problem that has confronted us during the past 5 or 6 years, is our involvement in Indochina. We must end this involvement. Within the limits of the jurisdiction of this bill, the Congress adopting the Nedzi-Whalen amendment, will take a significant step toward this end.

I urge your support of this amendment.

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today, in support of the Nedzi-Whalen amendment to the Military Procurement Act. This amendment would prohibit the expenditure of funds by the Defense Department after December 31, 1971, to support continued American presence in Southeast Asia. In effect, if successful, it would be an indication that this Government has accepted a December 31, 1971, pull-out date. It would be an opportunity to test in the weeks and months ahead the accuracy of the reports emanating from Paris, some of which have been challenged by the administration, that once this country accepted a pull-out date, the North Vietnamese would be willing to negotiate for the release of our prisoners of war. In other words, it would call their bluff. I mention this today because I do not feel that in our desire to bring this war to an end without any further loss of lives, as soon as possible, we should not forget the hundreds of men who are being held behind enemy lines. We have a moral commitment to keep the safety of these men before us in all we do.

Nevertheless, as a signatory of the statement of purpose circulated by Congressman THOMAS P. O'NEILL, one of the great leaders of the antiwar movement in Congress over the years, I am today seizing the opportunity to legislate into law the sentiments and objectives of that statement. This war has gone on too long, far too long for anyone to be content with expressions of concern, with vows to do all possible to wind it down, and with hopes pinned on possible success of a Vietnamization policy. As I have said many times before, the war in Southeast Asia is a bottomless pit and we are, as a nation, sinking slowly into its depths more and more each additional day we allow this war to continue. In our efforts to save a nation we have come close to destroying several nations. In our efforts to obtain peace with honor, we have encouraged a moral turpitude which threatens to engulf a whole generation of young people the world over. In our efforts to save the world for democracy, we have come close to destroying our Nation at home. Our cities are dying, there is division in the land, our national sanity is at the breaking point. We have seen the rise of a drug culture and the beginnings of a national "cop-out." We have paid a tremendous price to date, and I, for one, do not feel we should pay another penny more, or sacrifice one more life.

As a Congressman, I know only too well where the real authority and the responsibility for the conduct of this war lies. I know only too well the President of this country, as Commander in Chief, has in his power the right to terminate this war tomorrow. Ultimately, he and only he can achieve the objectives behind the amendment I am supporting today. I am genuinely concerned about the prospect of this House turning itself in to a chamber of 435 commanders in chief, each with his own views on the day-to-day operations of a foreign military conflict. I was willing to give President Nixon time to live up to the promises he made to our people in 1968 and later when he took office to bring peace in our time. But time is running out. We have added Laos and Cambodia to the areas of our involvement. We have a drug problem among our soldiers such as was unimaginable a few short months ago. In short, time is running out and in view of the seriousness of the problem, I am left with no alternative but to join with those who feel it is time for Congress to assert its authority and to indicate to the President in no uncertain terms that he can no longer count on the support of this House for his present policies. Our patience has been exhausted and the President should be so informed. In indicating to the President our feelings against the continuation of this war we are giving him a consensus and a policy. Hopefully, he will act within its framework. I only regret that it has been necessary that Congress go so far on this issue, but our concern must be recorded in the only effective way it can by using the means at our disposal and voting to cut off funds for this national tragedy that is the war in Southeast Asia.

Mr. ARENDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield briefly to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman yielding.

The gentleman from Ohio (Mr. WHALEN) said a moment ago that he did not know what our purpose was in Vietnam and that the administration had discarded one purpose after another. Well, I believe it is perfectly obvious, and the President has made it perfectly clear, that the purpose is to allow the South Vietnamese to make their own decision with regard to their future rather than to have that decision forced upon them by military action from outside their borders.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Not right now.

Mr. WHALEN. Thank you.

Mr. ARENDS. Mr. Chairman, I applaud very much the excellent statement made by the chairman of my committee, and endorse it wholeheartedly.

Likewise I compliment the Speaker of the House, Mr. ALBERT, in his very pointed remarks as to why this amendment should be voted down. His statement is a clear indication that this issue before us is completely and wholly nonpartisan. The amendment is opposed by the leadership of the majority party and by the minority party. This is all in an effort to do something in the best interests of this country of ours.

Mr. Chairman, never have I stood in the well of this House over the many years I have been here more concerned or more disturbed about a false issue that has been raised than at this particular time. It is a cruel hoax to try to lead the American people to believe that if a date is fixed, then everything will be over.

I am rather amazed at my friend from Ohio, for whom I have great respect, that he stood here today and talked about water over the dam and about things that have gone on which we can do nothing more about.

We got into this war and we are presently there, but we are getting out of it. That is the issue. How do we get out of the war? The way to get out of Vietnam is to do what the President of the United States is recommending today—not a Republican President or a partisan President but the President of all of us.

He is recommending today that we do certain things, namely, give him the tools with which to work and with which to negotiate. That is all that we are trying to do here.

All of us sincerely and honestly are concerned about getting out of Vietnam. There is not a living soul in America today who enjoys this war, to my knowledge. All of us have the same purpose in mind, which is get out and get out in the best way that we can. If we will let the President operate as the master of foreign affairs, which he is and which is his responsibility under the Constitution, and let him see what he can work out, then we can approve or disapprove when the time comes. However, to tie his hands at this particular time, in my humble opinion, would be one of the greatest errors that we can perpetrate.

There are many people for whom the wish is father to the thought. They tell us that if we set a date for withdrawal in Vietnam, then the North Vietnamese will quickly release the prisoners. There is simply no evidence, no evidence at all, to support such a conclusion. The North Vietnamese treatment of our prisoners is one of the most barbaric and inhuman chapters in the history of warfare. Nothing in their behavior up to this time gives us any reason to believe that they would quickly release prisoners. If we want to bring about the release of our prisoners of war safely, we will have to allow the President to negotiate without tying his hands.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Not at this particular time. I am limited as to time. I am sorry.

I urge the Members of this House to defeat this amendment.

I repeat with all of the sincerity at my command that this action today is going to mean much to propose settlement of this war and our getting out.

As you well know, we had at one time almost 560,000 men in Vietnam. That figure has now been reduced by over half. An orderly process of reducing our strength there is in being. Our men are being returned. As a matter of fact, our men are being returned ahead of schedule, which schedule was announced some time ago. We can see great progress in our getting out of Vietnam. I hope we can use some semblance of reason in obtaining a reasonable peace so that we will not have a recurrence of what happened in prior wars.

One remembers well World War I when we won the physical war but lost the peace.

I can remember World War II when I stood in this body and voted to go to war because we had been attacked. We finally won the war, but, again, we lost the peace. There has been no complete peace in Korea.

There are now those who would say bring our boys home and forget the peace. Let me say to those people that we have to arrive at some kind of a workable and reasonable peace so that we will not again go through a repetition of what we did at the end of other wars and we will not have to send our boys back again to fight somewhere, sometime.

I distinctly remember the great hue and cry of those in this country at the end of World War II. It was very much like it is now. People shouted come home, come home, come home. That is all we heard at that particular moment. I say to you that because we failed to get the right kind of peace after those earlier wars, we had to go back to war. Let us not lose by political action again what our fighting men refused to give up on the battlefield.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, the United States came to the aid of South Vietnam when it was experiencing aggression from North Vietnam and we did this in a manner highly sacrificial and highly moral.

We did not conclude that we would be willing to do things that normally would be the course of war, if needed for the success of the war: Such things as closing the harbor of Haiphong and carrying the land war into North Vietnam. We did not want to precipitate a war of those dimensions, and the possibilities of active intervention by Russia and Red China on the other side.

The war became an issue in the last presidential campaign and the winning candidate won on a platform to end our involvement in the war.

On November 11, 1969, I wrote the President concerning an issue involved in the war, the prisoner-of-war issue, and I urged that our planned withdrawal of troops be halted until we got our prisoners of war back. I wrote as follows:

NOVEMBER 11, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: There is no need at all to reply to this letter but I just felt that I should say again what I may not have said before to you directly, but certainly have said in my own office conferences; and that is, I feel that before any further reductions are made in South Vietnam in troops, the next reduction which is planned should be made conditional upon the freeing of all U.S. prisoners by North Vietnam.

With kindest regards, I am

Sincerely,

CHARLES E. BENNETT.

On May 13, 1970, I wrote the President, making a number of other suggestions concerning the war in the following letter:

MAY 13, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, I have attempted to support you fully in your efforts to end the war in South Vietnam. Although I originally felt we should press for a military victory, the time seems to have run out for that—primarily because of our reluctance to use the degree of force required. I am not wise or informed enough to know that this reluctance was not well founded, or is not now well founded; although it was not my original opinion that such reluctance was well founded. I believe major errors on our part are apparent: first, not to decide in advance what to do if we started winning the war and China then came in; second, our employing troops under politically-arrived-at guide lines that prevented victory.

Under the circumstances now prevailing, it is my opinion, and apparently yours, that all U.S. troops should be withdrawn as promptly as possible. I have apprehensions about what this may do in making less credible the chances for world peace, by making less credible our willingness to assist small nations resisting aggression. With this in view, I have some suggestions I would like to make which would minimize, or offset, this loss to our efforts for world peace.

My first suggestion is that you call upon the United Nations to hold free, U.N.-supervised, elections in South Vietnam, to determine if the people of South Vietnam wish to go forward with the war by themselves or to end the war by negotiations with the North Vietnamese. If the election goes for ending the war, then U.S. troops could be removed immediately. If the election goes the other way, then the total withdrawal of U.S. troops could be postponed for one year, but only for one year. If the U.N. fails to act within sixty days or acts unfavorably to holding an election, then the U.S. could nevertheless withdraw all U.S. troops by one year from the time limit of sixty days or rejection of the election plan, whichever is first.

My second suggestion is that (since we are inferentially downgrading the chances of our intervention in cases of future aggressions), we substitute in place of this war-deterrent an offer to help finance (but not to man) an international standing police force to act to put down aggression in future cases wherein the U.N. recommends intervention. The troops should be drawn from volunteers from small nations throughout the world. This would not prevent our unilateral intervention but would diminish or eliminate the need for it. No U.S. sovereignty would be eliminated or impaired.

My third suggestion is that a separate agency be created in the Federal government to study the causes and preventions of war, a research agency solely, not an agency allowed to establish policy, but to get this needed research and information for the President, the State Department, and the Congress. There should also be a joint committee in Congress to secure congressional oversight in this field.

I hope these ideas may be worthy of your consideration. I know you will do what you feel is best for our beloved country and for mankind.

With kindest regards, I am

Sincerely,

CHARLES E. BENNETT.

It is admitted by the Secretary of Defense that we could with safety to our own troops withdraw within a few months, and that our continued presence beyond that time is planned for continuation of war purposes. When the Bay of Tonkin resolution was repealed there remained no constitutional basis for such U.S. war purposes. The portion of the Nedzi-Whalen amendment that would require further congressional action on any such war purposes is in my opinion more consistent with the U.S. Constitution than any other course. Under that document we are not supposed to be at war unless Congress has said that we should be.

Now, Mr. Speaker, time has gone on and the President as Commander in Chief has made very substantial withdrawals of troops in accordance with the platform on which he was elected; and the debate here really is upon whether we should continue to stay partly in this war as distinguished from withdrawing from it entirely. Although originally I felt we should try to win the war we had entered and to do this regardless of the dangers involved. I believe time has so now run out on this. I think no war can be won when the Commander in Chief is of the opinion that we should not pursue it. And so I feel under these circumstances the quicker we get out of the war the better it will be.

Therefore, since the amendment before us is in that direction, and does require a strenuous effort to bring back our prisoners of war in the process, I support the amendment.

AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK TO THE AMENDMENT OFFERED BY MR. NEDZI

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York to the amendment offered by Mr. NEDZI: Section 402(a) of the amendment is amended to read as follows:

"SEC. 402(a). No funds authorized to be appropriated pursuant to this Act may be expended after April 30, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos if by such date a cease-fire has been arranged either by the parties involved or by the United Nations or by any group of neutral nations, and if by such date an agreement has also been consummated by the parties involved for the identification and exchange of prisoners of war and all Americans held as prisoners of war anywhere in former Indochina have been released."

Strike subsection 402(b), and then redesignate subsections (c), (d), (e) and (f) as subsections (b), (c), (d) and (e) respectively.

Mr. ROBISON of New York. Mr. Chairman, the amendment I have offered to the pending Nedzi-Whalen amendment differs therefrom, insofar as language is concerned, in only two respects. First, it extends the Nedzi-Whalen "cutoff" date—or deadline—by 4 months; that is, from December 31, 1971, to April 30, 1972. I think such additional time may well be needed for what I have in mind. Second, it then conditions the application of that "cutoff" date—or deadline—upon the happening, prior to April 30, 1972, of two related events: the arrangement of a cease-fire either by the parties involved in the present hostilities in former Indochina, or by the United Nations, or by any group of neutral nations, and the consummation of an agreement between those same hostile parties for the identification and exchange of prisoners of war, and all Americans held as prisoners of war anywhere in former Indochina have actually been released.

If one were to count only the words changed, the modification thus proposed in Nedzi-Whalen might, at first glance, appear to be of modest proportions. However, Mr. Chairman, I submit that my amendment presents us with a dramatically different approach to our common problem of deciding how best, and how most responsibly, to work with the President in bringing this war to an early and as satisfactory as possible end—not just for ourselves, but for all the warring parties.

How so?

Well, to find the answer, I suggest we look again at the Nedzi-Whalen amendment as now before us. It has become known as the House version of the highly-publicized "end-the-war amendment" that heretofore surfaced only in the other body and was once again, on yesterday, defeated therein.

But, will either Nedzi-Whalen, or the other body's original version thereof, actually "end" this war—the ending of which all of us devoutly yearn for and none more so, I suspect, than our President?

Clearly, the answer has to be "no"—unless, possibly, the only kind of an ending we want is an end to our own involvement, and our own anguish.

To my friends on my left—though this may gain me no votes from my own side of the aisle—I cite in support of this argument no less noted a critic of the war than Eugene McCarthy, former Senator from Minnesota, who recently claimed, if I understood him right, that any congressional mandate simply forcing a withdrawal of our forces from Vietnam would be counterproductive, in that it would invite chaos in Vietnam, Laos, and Cambodia, and that such action would also constitute an abdication of congressional, as well as national, responsibility for the combined military, political and economic problems we have helped to create in those war-weary nations.

What, then, is the proper course we should follow?

Let me now quote from former Senator McCarthy:

> The answer is that we should *negotiate now*.

And then he further said:

> We should work for a political settlement.

In this instance, I completely agree with former Senator McCarthy.

The only way this unfortunate war can truly—and properly—be "ended," is through a negotiated, political settlement.

I believe, if we stop to think about it, we must all accept that as fact.

Now, without in any way intending to question the sincerity of either of the coauthors of Nedzi-Whalen—my good friend, Mr. NEDZI, or my equally good friend, Mr. WHALEN—nor of those of my colleagues who are supporting their proposal, what would our adoption of their idea produce??

Well, by way of "openers," it would almost certainly produce a most-serious and divisive constitutional confrontation—despite its disclaimer to that effect—between President and Congress since I can not, for a moment, believe the Nedzi-Whalen approach would be acceptable to the President.

But consider—and please listen to this most carefully—any eventual forcing of a mere withdrawal upon the President could only mean that we were tossing away, arbitrarily and unilaterally, about the only bargaining leverage the President still has to bring about that desired, political end to this war.

There can be no question but that President Nixon is bringing us out of this war—the longest one in our history. To be sure, he is not doing so fast enough for some of us, and others of us have lingering doubts about whether or not he may still be aiming for some form of "Korean solution" in Vietnam, for which one would have to question the depth of American support.

Nevertheless, the President has set us upon an apparently irreversible withdrawal course. Somewhere along that road he, almost inevitably, has to reach with our allies for a negotiated settlement of whatever then remains of this war. But is not it true that his bargaining power dwindles away with each passing month, as our troops continue to come out? The answer is obvious.

So I, for one, think it is time for the President to do some serious negotiating with Hanoi, and it is our responsibility to help guide—but not force—the President in the direction in which we think he should thus go.

I know it takes two to negotiate, even as it "takes two to tango"—yet, in either exercise, one participant has to lead. And if, up to now, the President has been reluctant so to lead by virtue of his uncertainty over the congressional and public reaction to any such forward movement on his part, it seems to me, in conclusion, that our adoption of the modification I have offered to the amendment now before us could strengthen his resolution to seek the only true and responsible end for this war that I can see.

Mr. Chairman, I urge the favorable consideration of the amendment I have offered to the pending Nedzi-Whalen amendment for such a modification will encourage meaningful negotiations while Nedzi-Whalen, as is, will but discourage them.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, the debate today permits us in the Congress to examine our role in responsibly bringing U.S. involvement in Indochina to an end.

I think that we can agree that our efforts should be directed at three principal objectives: First, the safe withdrawal of our troops; second, the release of our prisoners of war; and, third, facilitating and encouraging negotiations.

Reluctantly, and only after much thought, I oppose the Nedzi-Whalen amendment to the military procurement authorization bill, as ineffective in realizing our objectives.

I say reluctantly, as I, like those who support this amendment, feel the anguish and concern over our decade-long, bloody involvement in Vietnam which has led to the offering of this amendment. I believe, however, that the intent of the amendment is to provide a vehicle through which this body can express that concern. We have heard frank statements by the amendment sponsors as to its effect upon the military conduct of the war. Its passage would, as a practical matter, change nothing, and could result only in one more disillusionment for a public already deeply disillusioned over the war.

It is not well understood by the public that the President can completely disregard the amendment's withdrawal date of December 31, 1971, if he determines it would not permit the safe and orderly withdrawal of our troops, or if adequate provisions for the return of our prisoners of war were not made. In addition, the amendment specifically states it is not to be interpreted as restricting the amount of continuing economic and military aid to South Vietnam, Laos, or Cambodia.

Under our system of government, the President clearly has broad authority to conduct a war once it is in progress. He is also charged entirely with the conduct of foreign affairs, whether in time of war or time of peace. The proposed amendment, neither in its wording, nor, I believe, in its intent makes any pretense of attempting to abridge these broad powers.

It is clear the Members who offered the amendment understand, just as the framers of our Constitution understood, that a legislative body, no matter how sincere its intentions, has neither the power nor the capacity to conduct a war, or, in this instance, to successfully negotiate a peace or withdrawal of our combat forces from a theater of operations. It is then, at most, a symbol.

Yet, it is my primary concern that even though it may be understood by the

Congress as a symbolic act, other nations could so interpret its passage as to seriously affect the President's credibility in seeking a negotiated settlement. It could undermine the position of the President at a time he is conducting serious and delicate negotiations abroad on such important issues as Vietnam itself, the SALT talks, Middle East peace, and trade restrictions.

Passage of the Nedzi-Whalen amendment would be, at most, an expression of "no confidence" in the initiatives of troop withdrawals and peace negotiations undertaken by the President. As I do not share this feeling of "no confidence" I cannot vote in favor of this amendment, although like so many, I hope the President in his capacity as leader of this country, will, in his good judgment, set a genuine date certain for American withdrawal in the near future—the sort of date this proposed amendment purports to set.

Then what can we do to assist in the efforts to terminate American participation? What positive action by the Congress would further an early negotiated settlement? Clearly, a step providing an incentive to negotiate is welcome. Time may well be running out.

I support the approach of the amendment to Nedzi-Whalen, offered by HOWARD W. ROBISON, also of New York, which unlike the Nedzi-Whalen amendment, would assist, rather than lessen the chances of negotiations, and avoids its mischievous implications.

This amendment would cut off funds to support the deployment of U.S. military personnel, or conduct any military operations in South Vietnam, North Vietnam, Cambodia, or Laos on a date certain, if by that date a ceasefire has been arranged by the parties involved, by the good offices of the United Nations, or by any group of neutral nations, and if by that date agreement has been reached for the exchange of prisoners of war held in Indochina.

By conditioning withdrawal on successful negotiations, I believe, we in Congress would be encouraging North Vietnam to negotiate. We would also be stating the sense of this Nation that we welcome peace initiatives from Asian nations or from any other source, giving ample time for negotiations and initiatives to take place. We would also be stating it is our position that this war should be ended at the earliest possible moment.

In addition to this, I believe, this body can usefully be about other meaningful work. Recent revelations on the origins of the Vietnam war, with disclosures of unilateral Presidential decisions which involved Americans in this protracted war without either the knowledge or consent of Congress, drastically underscores what this work should be. There is clear need for Congress to reassert its constitutional responsibility to share with the Executive military decisions before a war is undertaken, and before the President in his role as Commander in Chief becomes charged with the conduct of a war.

To this end, I have joined with a number of my colleagues in cosponsoring a resolution which would require the President to justify to Congress any commitments of U.S. troops to combat on foreign soil. The Congress with the power to approve or disapprove the action, must confirm the American involvement or the authority to commit troops must end in 30 days. We desperately need statutory procedures of this type to preclude the possibility of future Vietnams. Enactment of this joint resolution would serve this most useful purpose.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition both to the Nedzi amendment and to the amendment in the nature of a substitute offered by my good friend, the gentleman from New York (Mr. ROBISON). I believe we are making a mistake, both in this body and in the other body, to spend all this time arguing as to what particular date we are going to end the war.

I do not believe there is any question about the fact that all Americans, all of us in this body, and all of those in the other body, want to end the war as quickly as we can, and as effectively as we can.

But I do think we are creating an unnecessary and somewhat illusory division in our Nation when we try to divide this country into the white hats and the black hats over the question of whether we are going to end it on the 1st of June 1972 or the 1st of July or the 1st of September or what have you.

The fact of the matter is, as the gentleman from Illinois has already said, we are already ending it. President Nixon now has taken more than 300,000 American troops out of Vietnam and we are going to be out of this war, certainly to all intents and purposes, by the fall of next year. In fact virtually all of our ground combat troops are out of combat over there now, and they are being used only for security forces which, ironically enough, is why they have time hanging heavily on their hands and so are tempted to experiment with drugs.

This is an amendment that does not even end the war, as the gentleman from Ohio (Mr. WHALEN) told us rather eloquently the other day, when he wanted to clear up what he called some "misunderstandings" of the Nedzi-Whalen amendment. But, if that is true, they have not told John Gardner and his people in Common Cause who are deluging our offices with mail, telling us to support this amendment because it is going to end the war.

What this amendment really is, of course, is an attempt to get a rollcall vote on the idea that Congress ought to be forcing the President to set a fixed date for total withdrawal from Vietnam, whatever that word "total" means, even though this amendment itself will not achieve that result at all, and in fact does not even support the idea of "total" withdrawal.

The whole idea of setting a definite date for withdrawal from Vietnam has some rather serious defects, however, which I think we should recognize. In the first place, in the additional statements included in the report by Mr. NEDZI and Mr. WHALEN, they said:

> It is now clear that if we set a definite date, we are going to get our prisoners of war back.

Well, that is just not true. I know that we do not have too much time to read in this body, but the announcement by the gentleman from California (Mr. LEGGETT) last week and the announcement by the former Secretary of Defense, Mr. Clark Clifford, and the text of the published interview that appeared in the Washington Post with the chief North Vietnamese delegate, made it perfectly clear that the North Vietnamese have no intention of releasing any prisoners in return for just our setting a date of total withdrawal. They still want to talk and dicker after that date has been set.

And why is that? Because the one thing they intend to do is to use our prisoners—those 500 or more Americans who are prisoners—as hostages to force us to turn over South Vietnam to their control. That, after all, is what they are fighting the war about over there and they are not going to return our prisoners, they have made it perfectly clear in the interview in the Washington Post, unless we give them the objective for which they have been fighting for 17 years.

So, while we all want to see our prisoners returned, are we really going to be willing to exchange those 500 or 600 or whatever the number of prisoners is, in return for everything for which 45,000 other young Americans have already lost their lives in an effort to achieve?

This is really the issue involved in setting a withdrawal date. And the principal flaw in this kind of amendment, either the Nedzi or the Robison amendment, is that they fail to recognize that we are not going to get our prisoners back simply by setting a date alone. So, adoption of such an amendment will serve to undermine the basic purpose of our long involvement in Vietnam—and the gentleman from Ohio said he did not know what the purpose was—which is to allow the South Vietnamese to make their own decision as to the shape of their future and not have it forced upon them by military aggression from the outside.

So while we do want to get out of this war and while we do want to get our prisoners home safely we also have the objective of trying—at least trying—to help the South Vietnamese to stand on their own feet. Thus, once the war is over, we must supply them with economic help. We must also supply them with military help. We cannot agree, as the North Vietnamese would have us agree, to end all military assistance to South Vietnam. Actually, the Nedzi-Whalen amendment recognizes this by including an exemption for military aid and for marines stationed at the U.S. Embassy. But the North Vietnamese, unfortunately, are not going to buy this portion of the Nedzi amendment.

So let us defeat this amendment and let us unite behind our present policy, which is to end our military involvement in Vietnam as quickly as possible, but to do so under conditions that do not guarantee—as the North Vietnamese would have us guarantee—that with our withdrawal all that we have fought and worked so hard to achieve will automatically go down the drain.

Mr. CARTER. Mr. Chairman, I rise in support of the Robison amendment to the Nedzi-Whalen amendment.

Mr. Chairman, our Nation has long been embroiled in a horrendous conflict in Indochina. For years, we have been involved in this bloody conflict which threatens the very existence of our beloved country.

When we delve into the reasons for our being in Vietnam, three basic ones are given. Let us examine these reasons for their validity.

The first is to prevent the spread of communism. In response to this reason, it seems foolish to try to contain communism 11,000 miles from home while communism flourishes in Cuba 90 miles off our shore and the cancerous tentacles of communism have spread from Cuba to nations in Latin America—to Chile, for example. By trying to contain communism in Asia, we may well have lost Central and South America to communism.

The second is to insure self-determination for the people of South Vietnam in deciding what type of government they should have. President Eisenhower, in his book, "Mandate for Change," stated that 80 percent of the people of South Vietnam supported Ho Chi Minh. We did not accept his knowledge, we did not accept his admonition. But, instead, we went blindly in on the side of the 20 percent who opposed Ho Chi Minh. Therefore, it can be truthfully stated that our purpose was not to provide self-determination.

The third reason given relates to the domino theory by which it was thought that if South Vietnam became Communist, all the nations of Southeast Asia would fall. If indeed this is true, it seems to me that the nations involved in Southeast Asia should be the ones most fearful of communism. Their actions show that they are not. The Philippines, South Korea, Australia, and Thailand have provided only token assistance. Hence, we can see that none of these nations actually feels the threat of the domino theory.

In 1964, it was evident that the 17,000 American troops and the South Vietnamese were facing defeat and that our forces were on the brink of being thrown out of Vietnam. The Tonkin Gulf incident occurred at this time; purportedly two of our destroyers were attacked while on the high seas. Congress was asked to pass the Tonkin Gulf resolution, which it did with small dissent.

Today, it is accepted that these two destroyers were not under attack. Yet, by the authority of the Tonkin Gulf resolution, our troops were increased in number to 542,000 and the bloodiest conflict since World War II was begun.

It seems that in 1964 we lacked men of calm, cool perception who could truthfully evaluate the situation in Southeast Asia. As a result, this conflict has cost us the lives of 45,250 men as a result of hostile action and 9,583 men as a result of nonhostile action; 151,471 men have been wounded seriously enough to require hospital care and 148,453 more received wounds not requiring hospital care.

Our military expenditures are equally horrifying since 1965, our Nation has spent nearly $120 billion on this war.

Since coming to Congress in 1965, I have twice visited South Vietnam. On my first visit, I saw the finest, best trained, best equipped young soldiers the world has ever seen. I saw hospitals and supposedly pacified areas. In 1966, I was a member of the Speaker's Committee of Combat Veterans of World War II sent to evaluate the war effort. By that time, the so-called pacified areas I had previously visited had been retaken—ours for only as long as snow drops on the river—a moment white, then gone forever.

As a result of this tragic war, our country is torn by dissention—troubled by traitorous rabblerousers and rioters who blatantly curse the beloved land which has nurtured and cared for them. And yet they are permitted to spout hate, incite arson, promote looting with impunity.

Yes, Mr. Speaker, ours is a troubled land. The war in Vietnam is causing great worry and anxiety. Among the people of my district and our whole country, sentiment is increasingly against the war. We all look for the day when every American soldier will be removed from this unhappy land.

Let us now, while we are yet strong, bring our men home. If we must fight, let us fight in defense of our homeland and our own hemisphere. Our sons' lives are too precious to lose on foreign soil. If they must die, let it be in defense of America. As a combat medic with an infantry division in the South Pacific, I have been intimate with the horrors of war and feel that the lives of our men should only be risked in case our country is attacked. In that event, we know they would resist assault with all their spirit, stamina, and strength.

I compliment the present administration's efforts to wind down the war. In order to emphasize the desire of our people to end the war, I support the amendment of the distinguished gentleman from New York (Mr. ROBISON).

Mr. O'NEILL. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Chairman, I feel obliged to speak in behalf of this amendment, just as I feel a moral obligation to oppose the continuation of this cruel and senseless war.

Mr. Chairman, some time ago I, with three other Members of Congress, HUGH CAREY, of New York, DAN ROSTENKOWSKI, of Illinois, and JAMES CORMAN, of California, circulated to the Members a statement of purpose on Vietnam. Over 120 Members of Congress have signed it and an additional number have signed a similar statement. Out of that, I believe, has come the Nedzi-Whalen amendment. It is an expression of concern and responsibility. It is our contention that the Congress has a responsibility for ending this war, since the President is not, and that the Congress should set a deadline for ending this war, no later than the end of this year.

I recall that it was about November 1965 that I first heard the term used: "The light can be seen at the end of the tunnel." That was the day Mr. McNamara said to us:

> We will bomb North Vietnam. We will have them on their knees within 6 weeks, and the war will be over.

Well, people have been seeing the light at the end of the tunnel for over 6 years, and the war is not over.

I listened with interest today to the letter of Mel Laird, a man with whom I served for many years here in the Congress. His words are not a bit different from the words of Rusk and of McNamara; his predictions are the same, his expectations are the same.

I remember that back in 1965 I was a hawk, as some of you still are—perhaps a majority of the House. But I spoke to admirals, I spoke to generals, and I spoke to people in high security places. I spoke to members of the State Department and those in the highest echelons of Government.

These people were advocating the policy of the administration, the Johnson administration, and advocating the policy of the State Department. But within the confines of private and friendly conversations they told me they were opposed to the war, and that our policies were wrong and could not succeed. While they were publicly advocating and following the policy of the President, they told me in their private conversations that they were opposed to the war and knew that it could never be won this way, nor could we extricate ourselves this way. These were people from the CIA, generals and admirals, and you know, I believed them. They convinced me that I could not justify this war in moral, political, or security terms. They convinced me that I could not justify being a hawk on a war that could not be won, and should have been ended.

Mr. Chairman, I was one of the first, I believe, early in 1967, that changed my opinion on the war, and it was for those reasons. Our policies—then and now—could not win the war and would not end it.

You know, during my 20 years here, many important events have happened. I remember June 1961, when Khrushchev said to John F. Kennedy, the President of the United States:

> Get your troops out of Berlin or we will invade.

Kennedy went over and made the great Berlin speech, called up our reserves, and Khrushchev backed down, knowing that otherwise it would have set off World War III.

That happened again, Mr. Chairman, with Cuba, in October 1962. We all received notice to report. You remember the messages, the phone calls, and telegrams that you got. We, from all of New England, went to Logan Airport; other Members met at the GSA Building in the battery section of New York, and other Members from other sections of the country went directly to Chicago or to Los Angeles. We met with trepidation, both Democrat and Republican. We did not know whether we were going to hear a declaration of war. We were there and we were told about the missiles and shown pictures of the missiles and told about the blockade. But, thankfully, Krushchev backed down.

Mr. Chairman, why did he back down?

He knew America was serious and he knew it would mean World War III.

Why do I raise this point?

Well, Mr. Chairman, we are fighting a war which we have made no attempt to win. Why? The only way we could win would have been to have bombed Hanoi and the rice paddies, bombed Haiphong, and invaded North Vietnam with infantry. Why have we not done that? We have not done it because we know that China and Russia would come to the aid of North Vietnam, and that it would mean World War III. Just as Kennedy defended our place as a major power, so would Kosygin and Mao defend their positions.

So, what are we there for? We are there for the same reasons we have been there for years. Because we refuse to admit past errors and mistakes. I have seen the pacification program fail, and we have talked about the Vietnamization program. We give new names to old policies and continue a hopeless war.

Mr. Chairman, I believe we ought to be out of there lock, stock, and barrel tomorrow. We cannot justify our being in there. The President is fighting a war he does not want to win. Yet, he does not want to lose. We are not providing self-determination for the people, we are only providing destruction.

When I spoke with the knowledgeable people in our security and intelligence branches of Government about the war, they convinced me that this war was wrong. That was in 1966, yet the same policies continue.

What makes this war such a tragic mistake, is that we have viewed it as a war between two states, whereas in reality it is a civil war, and, unfortunately, we are fighting for the elite in Saigon, the rich who do not have the interests of the Vietnamese people at heart, nor do they have the support of the people we are supposedly fighting to save.

We are drafting 18-year-old boys to fight for people that do not draft their own sons until they are 21. And the legislature of South Vietnam on many, many occasions refused to change that age.

American boys must serve their Nation in uniform or go to jail, but the rich South Vietnamese boy can buy his way out of the Army.

We have spent $150 billion on this war while the leaders of South Vietnam fill their Swiss bank accounts with American money.

Our Nation suffers for housing, schools, and hospitals, while the rich elite in South Vietnam accumulate wealth.

Our Nation has given so much to South Vietnam that has never reached the people there and will never reach the people there. We need much here—massive increases in funds for education, for health care, public housing, welfare, research, and environmental quality. But instead we waste our people and our substance in a useless war.

Our priorities have been turned on end while we fund and fund this war. And the corruption in that country makes it more and more tragic that a single American boy has given his life for this conflict. The Government of South Vietnam is corrupt to its core. It does not protect the rights of its people nor insure their participation in government. Yet, we supposedly fight for the people's self-determination. This will not change, whether we withdraw our troops by the end of this year or just prior to the election of 1972.

The President is withdrawing our troops slowly because we cannot stand to end the war without victory.

Mr. Chairman, I am frightened about the plan that the President is using in order to get down to the point where we just have only 50,000 troops over there. Why wait and do something slowly that could be done now?

It is a common expression of our soldiers in Vietnam that no one of them wants to be the last person killed in Vietnam. That is part of the tragedy—that even one more soldier should die while this Nation dallies.

What would happen if the North Vietnamese attacked Nixon's remaining 50,000 troops?

What would be the reaction here at home? This is the calculated risk. You will then have World War III. I say this to you, Members of Congress, and I say to the President: "Make an announcement, Mr. President, that on a set date you are going to stop the fighting, that within 60 days we expect to have our prisoners of war returned and that we will have all our troops out of Vietnam by December 31." That is what we want to do here today. Show that we want to stop the fighting, and within a certain time get our troops home.

Mr. Chairman, I support the Nedzi-Whalen amendment. We gain no advantage by staying a day longer in Vietnam. For the sake of our Nation, our remaining soldiers, and Vietnam, let us set a date. I urge support of the original amendment.

Mr. CORMAN. Mr. Chairman, I was one of the four cosigners of the letter initiated by the gentleman from Massachusetts (Mr. O'NEILL). I rise in support of the Nedzi-Whalen amendment to the bill before us today and I would like to speak frankly as to why it is desperately important that our military involvement in Southeast Asia must end and to my belief that the Nedzi-Whalen amendment is the instrument by which this Nation can finally bring this war to an end. My support of this amendment is not a vote for American disarmament. It is not a vote for an isolationist policy for America. We have not reached the time or place in the world's history where America can do without powerful national defenses. No nation, large or small, can either totally disarm or exist on a policy of isolationism. My vote is, however, a vote to end what we now know is an involvement that we should not have begun and should not continue. This was from the beginning an American military action in the wrong place and for the wrong objectives.

To understand this we must, I think, look back to World War II. All of us who lived through December 7, 1941, wondered then if this Nation would survive. We remember only too well the onslaught of Japanese military aggression in the Pacific. We well remember how quickly Hitler's army overtook most of Europe—the terrible fight—the tragic years—the many lives it took until the Axis Power's capitulated.

Korea and the "cold war" in Europe followed before we could even begin to assess or question the impact of World War II.

Many of us, from that time on, became overly defense minded. We had witnessed raw aggression, and were ready to accept any theory or policy put forth to fight aggression wherever it occurred. We doubted neither the principle nor the need for our involvement anywhere in the world. We had become the world's leaders, and we did not look too carefully as to what real responsibilities, in terms of the entire world, this leadership carried with it. We were in part, misinformed about the definition of aggression, and in part we misjudged the need for our developing policies "to stem aggression wherever it occurred."

So, in essence, many of us share the responsibility for the beginning of our involvement in Southeast Asia. That is history, and, at least for myself, I now look to a way that this country can discharge itself from this involvement—a way to end totally our military action in that area. To do so, we must look carefully and dispassionately at what was wrong with the policies and strategy that led to our involvement, and make certain that this Nation never again makes the same mistakes that we have made in Southeast Asia.

The Nedzi-Whalen amendment, in setting a date for complete withdrawal of our military personnel from Southeast Asia, is an opportunity we must not lose to achieve our complete military disengagement from this war. The lives of many of our young men, vast sums of money and energy—which have strained our own economy—and even the very fabric of this country's foundations, have gone into making the South Vietnam Government as viable as one country can make another. We do not, by this amendment, forgo our commitment to future assistance to South Vietnam in terms of money and goods. We do this for many nations through our foreign assistance programs. But, we do say—our military involvement must stop—our men must come home—our own country must put itself back together again.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Nedzi-Whalen amendment.

The amendment is faulty in many respects. However, one of the most serious disabilities in the amendment language is the premise that we can expect the North Vietnamese and the Vietcong to deal with the prisoner-of-war issue in a forthright and honest manner.

In a recent issue of the Washington Evening Star there appeared an editorial entitled "The POW Issue" which I believe assesses the POW issue in its proper perspective. At the proper time I will

ask unanimous consent to include the editorial in the RECORD. That editorial notes former Secretary of Defense Clark Clifford's statement that he "has reason to believe" the Vietnamese communists would release all American prisoners of war within 30 days of an American agreement to withdraw all U.S. forces from Indochina by December 31 of this year.

If Hanoi is seriously interested in such a proposition, it has no need to rely on the President's foes to convey its views. The United States, North Vietnamese, and Vietcong representatives have, after all, been in regular touch with each other for more than 3 years at the so-called Paris peace talks. Not once during those so-called negotiations have the Communists ever officially stated that they would agree to the return of all American prisoners within 30 days of an American agreement to withdraw all U.S. forces from Indochina.

I cannot comment on Mr. Clark Clifford's reasons for making a statement of the kind he did. Mr. Clifford was the Secretary of Defense at a time that the war in Vietnam was being escalated rapidly. Mr. Clifford has been intimately connected with Government for many, many years. He must know better than most of us that if he knows something that officials of our present administration are not privy to, he has an obligation to convey that information forthwith to the proper officials in Washington who can act accordingly.

If he has such information and fails to do so, he would be performing a grave disservice to not only the American public but to every single prisoner of war now being detained by the Vietcong and the North Vietnamese.

On the other hand, if he has no firm basis for his observations and assurances, then he has, in truth, been incredibly naive or perhaps far worse.

We have not gone through 6 years of sacrifice to come to the point of being talked into using the POW's as a political ploy.

Mr. Chairman, I include the editorial which I previously referred to, at this point:

THE POW ISSUE

The Nixon administration is right to take a cautious view of former Defense Secretary Clark M. Clifford's statement the other night that he has "reason to believe" the Vietnamese Communists would release all American prisoners of war within 30 days of American agreement to withdraw all U.S. forces from Indochina by December 31.

If Hanoi is seriously interested in such a proposition it has no need to rely on the administration's foes to convey its views. U.S., North Vietnamese and Viet Cong representatives have, after all, been in regular touch with each other for more than three years at the so-called Paris peace talks. One can only assume, then, that the Communists wish this emotive issue to be publicly stirred up.

Secondly, Xuan Thuy, Hanoi's chief negotiator in Paris, hinted broadly in a recent interview that when North Vietnam speaks of a U.S. withdrawal, it means the cessation of *all* aid.

What the North Vietnamese are saying, in short, is that only if the United States agrees to create the conditions for a Communist takeover of the South will they agree to the repatriation of the Americans they are holding. That amounts to blackmail, not negotiations, and is consistent with traditional Communist disregard for humane principles.

The return of the American prisoners is and should be one of the principal objectives of American policy. But it cannot be the only one. Mr. Nixon has stated on many occasions that the withdrawal from Vietnam should be mutual, gradual and incomplete until there has been an exchange of prisoners. That is a reasonable position.

This does not mean that the administration should not continue and indeed intensify its efforts in private discussions with the enemy to reach agreement on an exchange of prisoners, a cease-fire and other questions of mutual interest. And while it is always unwise to make threats which cannot be carried out, it might be useful to reframe the question in terms of what the United States will do if the prisoners are *not* exchanged rather than concentrating on the concessions to be made to secure their freedom.

For the brutal truth is that the North Vietnamees will not return their American prisoners until they have extracted every last ounce of advantage from so doing. In dealing with such people, it is in the real interest of the prisoners themselves to let the Communists know that there are limits beyond which they venture at their own peril.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman and gentlemen, I rise in support of the Nedzi-Whalen amendment.

I do not think that this is perhaps the best form of the amendment that we could have here to end the war, but I think we have to recognize the parliamentary situation that on this bill it has to be germane. In order to make a germane amendment it has to be rather obscure and unfortunately we must beat about the bush. I tend to think that this Congress, of course, has not participated at all in approving this war, so it is probably just as well that we let the thing meander along and let the President wind it up if he can.

I also say this: I want to commend the President of the United States for the withdrawals that have taken place to date. We now stand at some 255,000 men. I think when my party was in power we had some 548,000 men there. Even still I tend to think we should have some concern here in Congress as to where we are going from here.

I am not positive that the President, in spite of the things he says, has a really firm idea of how he is going to end and terminate this war. I believe the gentleman from Massachusetts (Mr. O'NEILL) is exactly correct in saying that really we have spent—I do not know whether he said a figure—$200 billion, we have 45,000 dead Americans, we have 300,000 wounded, and we have obligated ourselves for $200 billion of veterans' benefits now, in order to do as the gentleman from New York (Mr. STRATTON) says, to provide self-determination for the people of South Vietnam.

Certainly, that is a very laudable objective, but I do not see why we are not working for self-determination in Iran or self-determination in Pakistan or self-determination in Central America, or in Argentina or in a massive number of countries that we seem to have very little concern about.

If we are talking about self-determination, how about South Vietnam's "Barry Goldwater" who ran in the last election, Tran Van Dinh, who got 30 percent of the vote and now sits in a Saigon jail because he advocated the wrong neutralist policies, perhaps policies to bring the folks together out there to end the war.

The President I believe wants to end the war. He is bothered by the Joint Chiefs of Staff, who really do not have a plan to end the war.

He gave a press conference a few weeks ago, on June 1, and they said, "Mr. President," in the press conference, as reported in Congressional Quarterly, "Will you set a date if we can get the prisoners back." And the President's response to that was that the only thing they had told us we can get in response to setting a date was talk.

This was one of the things I discussed in my little informal chat in international diplomacy in Paris a few weeks ago with the Deputy Chief of Mission of both the North Vietnamese and the National Liberation Front. I referred to the President's statement and I said, "Do not talk about talk. What can we do as far as action goes?" One has to badger these people and has to press them.

What we found out we could get was, No. 1, a list of prisoners in South Vietnam; No. 2, we could get an immediate cease fire if we had agreed on a reasonable termination date for the war as far as the United States is concerned; we could get a guarantee that our troops would get out without being fired upon; and could also get a guarantee not only that we would talk about prisoners but also that the prisoners would all be returned to the United States prior to the obtaining of the reasonable termination date.

We came back and talked to the White House. I exchanged that information with Ambassador Bruce. The press asked the State Department about this.

I want to read the dialog of the press conference at the State Department, and four analyses from my office describing my recent informal talks with the enemy forces in Paris.

NEWS BRIEFING

Q. Charles, can we go on to Viet-Nam now?

Representative Leggett today said in a conversation with the Number 2 Man of the Viet Cong Delegation in Paris, on March 31st—he was told that if the United States sets a date for total withdrawal, they will release a list of all American POWS they are holding.

And secondly, that these POWS would be released before that total withdrawal was taken out.

Do you have any comment on this at all?

A. That if we set a date for our withdrawal, they would release the list—

Q. Yes.

A. And they would release the prisoners before the withdrawal was complete.

Q. Yes.

A. The Geneva Convention, I believe, requires that lists of prisoners of war be provided promptly to the sending country; that list is clearly-long overdue and is not under international convention, the kind of thing that we should have to negotiate for.

Now we continue to have indications which are conveyed informally and semi-publicly to Americans of possible changes in the negotiating positions of the North Vietnamese and the PRG.

We continue to attempt to probe, officially, for confirmation of any such changes in the other side's position, and we would welcome—but have so far been unsuccessful in eliciting—any confirmation from the other side that its position is changing. We would welcome this publicly, privately, but we would certainly welcome some official confirmation.

Q. Charlie, in the President's press conference, his last press conference, he said that all they have said—

A. Let me just add a sentence to this, Marilyn.

Q. Oh, yes.

A. I regret that we have never been successful in confirming officially, what the other side may be saying informally to private American citizens.

Q. All right, Charlie, the President said that all they have promised to do is to discuss the matter. They have never promised to release them.

Now is all that is required at this point is official confirmation of these things that they have been saying?

A. I don't know how to get a handle on that question.

Q. In other words, the President apparently wants a word from them that they will release the prisoners—not that they will "discuss" prisoner release.

Is all that we are now requiring, is that last step in which they give us official confirmation that what they are saying to someone like a Congressman is in fact, their position?

A. Well, I don't want to pre-judge the future of negotiations, Marilyn.

The President has made his position very clear.

What I am suggesting is that if the other side is changing their position in any way, it seems to us reasonable, since we have been attempting to negotiate officially between sides in Paris for three years now, that they confirm their position to us oficially.

Q. Charlie, in the past, have they not telegraphed their position through the press? For example, when they moved from the word "could" to "would" and so on and so forth—just for the record—has it not been true that what they have been saying privately to journalists, American Congressmen and so forth, has later been borne out in the official activity in the talks?

A. Well, all I can—

Yes, the answer is that that does sometimes take place.

All I can say is that the telegraph wire to which you refer has been busy telegraphing for many months, now—without any confirmation of an official character.

Q. Charles, the President used the word "commitment" in his press conference—if I can just rephrase the question: If we receive a commitment from the North Vietnamese to release American prisoners, are we willing to set a deadline?

A. I am going to leave this where the President left it, John, I am sorry.

PRESS RELEASE FROM CONGRESSMAN ROBERT LEGGETT

WASHINGTON.—The National Liberation Front, or Viet Cong, has told a U.S. Congressman that if a date for complete withdrawal of American forces from Vietnam is agreed upon, they will release all American prisoners before that date. They also said they would release a complete list of prisoners so soon as the date was agreed upon.

The statement was made to Congressman Robert L. Leggett by Nguyen Van Tien, second-ranking member of the NLF negotiating delegation, during a three-hour private meeting held in Paris May 31.

Congressman Leggett cautioned that statements made in private conversation do not constitute public commitments. However, if the NLF delegates publicly confirm their private statements, this would constitute a significant change in their position. Previously, they have said only that they will "discuss" the prisoner issue once the date were agreed upon. They have been unwilling to commit themselves to releasing the prisoners before the completion of American withdrawal, and they have been unwilling to specifically discuss the question of the list.

Mr. Tien also told Congressman Leggett that the NLF would not attack withdrawing American forces, that they would establish an immediate cease-fire once the date was agreed upon, and that the government the NLF hoped to establish in South Vietnam would like to have diplomatic relations with the United States.

Congressman Leggett also met with Nguyen Minh Vy, second-ranking member of the North Vietnamese negotiating delegation, on May 29. Mr. Vy was willing to establish a cease-fire and to refrain from attacking American troops once the date were set, but he would not promise that all pirsoners would be released prior to the completion of the American withdrawal.

"It's too bad we met with the North Vietnamese first," Congressman Leggett said. "If we had seen the NLF first, we could have come to the North Vietnamese and said, 'This is what your NLF colleagues told us. Do you agree with their position?' I don't think the North Vietnamese have ever failed to support a statement by the NFL."

Congressman Leggett quoted statements by President Nixon at his June 1 press conference that he would not offer to set a date for total withdrawal because "we have yet no indication whatever that (the North Vietnamese) will be willing to release prisoners in the event that we took certain steps."

"We now have this indication," Congressman Leggett said, "assuming our private conversation is publicly confirmed. At least, we have it from the NLF, which may hold up to 540 American prisoners. If North Vietnam supports the position of the NLF, I urge President Nixon to respond by setting a date.

"Both the North Vietnamese and the NLF insisted Mr. Nixon is using the POW issue as a false pretext for continuing the war," he continued. "They said his real motivation is to maintain the Thieu-Ky government. If the NLF position is publicly confirmed, and if the North Vietnamese support it, I hope President Nixon will give the lie to their accusations by offering to set a date for total withdrawal. I believe Christmas of this year would reasonable."

Congressman Leggett described his reception as "hospitable and cordial throughout. Our discussions were almost entirely free from polemics." He asked if he could return in a few months for further discussions, and both the NLF and the North Vietnamese indicated this would be agreeable.

REPORT ON MEETING WITH DELEGATES OF NORTH VIETNAM AND THE NATIONAL LIBERATION FRONT

(By Hon. ROBERT L. LEGGETT)

On May 29, 1971, I met with Nguyen Minh Vy, the second-ranking member of the North Vietnamese negotiating delegation in Paris. Two days later, I met with Nguyen Van Tien, the second-ranking member of the National Liberation Front negotiating delegation. Robert Sherman of my staff was present with me during both meetings. Mr. Vy and Mr. Tien spoke through their own interpreters. Mr. Vy and Mr. Tien and their interpreters were most courteous and friendly throughout the discussions.

Our talks were long: two hours with the North Vietnamese and nearly three hours with the NLF. Much of what we said and heard was not new, and there is probably no point in repeating it in detail; our notes from the meetings are available to those who are interested. But I believe we may have made some breakthroughs, at least in our discussions with the NLF.

First. The NLF delegate, Mr. Tien, explicitly told us that if all parties agree upon a date for total withdrawal of US forces from Vietnam, the NLF will release all American prisoners before that date.

Second. Mr. Tien explicitly told us that, once this date is agreed upon, the NLF will immediately release a complete list of the prisoners it holds.

Both of these concessions came unexpectedly. When I asked Mr. Vy of the North Vietnamese delegation, "If we set a firm date for withdrawal and stopped all bombing, could we be assured our prisoners would be returned and our troops would not be attacked?", he responded by referring to the December statement by Madame Binh of the NLF. This is the one which says if we agree to get out by June 30, 1971, they will protect the safety of American troops and will discuss the release of prisoners. I said the June 30 date would have been excellent six months ago, but was now no longer feasible. I urged them to make a more specific commitment than simply agreeing to "discuss" the release of prisoners. I pressed these points repeatedly.

Their response was always polite and cordial, but invariably they wound up referring back to Madame Binh's statement. Their attitude was that this statement indicaed all problems would resolve themselves once we set a date. They said, in effect, that my proposal was the same as Madame Binh's, so what were we arguing about. Every time I stated my desire for more specific guarantees, or for a date later than June 30, they just referred back to Madame Binh's statement, although they did say they would consider another date if President Nixon would offer one.

If the North Vietnamese were this rigidly tied to Madame Binh's statement, I was afraid we would just get more of the same when we met with Mr. Tien of the NLF two days later. Happily, this was not the case.

My assistant, Mr. Sherman, asked him, "If the President were to agree to complete withdrawal of all American forces by Christmas of this year, when could we count on recovering all our prisoners?"

Mr. Tien responded, "All the prisoners will be returned before Christmas." Later, he amended this by saying, "If the parties agree on a date for withdrawal of all US forces, we will release all the American prisoners before that date."

In order to be sure there was no misunderstanding, we came back to this point on three separate occasions, and he affirmed it each time. However, I want to caution against over-emphasizing a statement made to me in private conversation. This is not a public commitment. I hope the question of the guaranteed release of prisoners before final withdrawal will be put to Mr. Tien and Madame Binh at their next press conference. If they publicly stand by their statements to us, and I fervently hope they will, then I believe this is one more reason why we should set a date for complete withdrawal.

At his June 1 press conference, President Nixon said he would not set a date for withdrawal because as far as the North Vietnamese are concerned, ". . . It always comes back to the same thing . . . they will agree to discuss prisoners, not release them. We have yet no indication whatever that they would be willing to release prisoners in the event that we took certain steps."

Now we appear to have this offer to release them, subject to public confirmation of course, and I hope the President will act

accordingly. It is true that the offer comes from the NLF rather than the North Vietnamese, and unfortunately we met with the North Vietnamese first, and thus did not have the opportunity to ask them if they shared the position of the NLF. I hope the press will ask this question at the next North Vietnamese press conference in Paris. Parenthetically, I believe the North Vietnamese have never failed to support an NLF statement of policy.

Their second unexpected concession was their promise that they would release a list immediately if a date were agreed upon. As we did with the promise to return the prisoners, we came back to this point several times to eliminate the possibility of a mistranslation or misunderstanding.

Now I will briefly summarize some of the other aspects of our discussions. I am, of course, merely reporting what was told to us, rather than stating my own position.

Mr. Tien promised an immediate ceasefire if the date were set. He said he had no interest in maintaining the prisoners in captivity. He said the prisoners were well-fed and received medical treatment when necessary. He complained of brutal treatment in the ARVN prison. He said the NFL wanted to form a government that would include members of the present government in Saigon, although Thieu, Ky, and Khiem must be excluded. He said he believed in one man one vote and thought a multi-party system was possible. He said when the NLF takes over South Vietnam it will want to establish diplomatic relations with the United States. He said the NLF hopes to establish a neutralist foreign policy. He also described their economic program as "neutralist," by which I believe he means a mixture of socialism and capitalism. He said they would like to receive economic aid from anybody, as long as it came without conditions. He said the NLF forces in the Mekong Delta had more than enough food, enjoyed majority popular support, and were doing well.

We made a number of unsuccessful attempts to elicit further concession. On several occasions, I asked Mr. Tien how many prisoners the NLF held; he said they did not have a count. Mr. Sherman suggested it would be a valuable good-will gesture if the NLF were to release twenty or fifty prisoners; Mr. Tien replied that they had at various times released 30 prisoners, including journalists, and that each time the U.S. Government had dismissed it as propaganda. We asked if Christmas 1971 was a satisfactory withdrawal date for them; Mr. Tien replied, "the sooner the better."

I think it's worth noting that, unlike the North Vietnamese, Mr. Tien never once mentioned June 30 as the withdrawal date. Moreover, his demeanor seemed to suggest that Christmas was an acceptable date, although he didn't want to commit himself to it in the absence of any evidence that it was acceptable to our government.

I asked, "If the United States agrees to withdraw on a day certain will the North Vietnamese also agree to withdraw on a day certain?" Mr. Tien smiled and said the Vietnamese would solve this among themselves, politically, after the United States left.

Both the North Vietnamese and the NLF stated their view that President Nixon uses the prisoner issue as a false pretext to continue the war. They said his real reason is to preserve the Thieu-Ky-Kheim government. They said he had indicated American troops would remain until the Saigon Government was stable. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability; therefore this rationale could be used to keep our troops in Vietnam more or less indefinitely.

Both were willing to pre-commit themselves to guaranteeing the safety of the withdrawing American troops, once a date was set.

Both delegations expressed cynicism toward the elections scheduled for South Vietnam this fall, saying free elections were not possible under Thieu and Ky.

Both Mr. Tien and Mr. Vy expressed interest in our plan for proportional repatriation and disengagement, although both wished to study it further before commenting. I continue to believe this plan could be the most feasible procedural vehicle for carrying out the withdrawal, once we have agreed on a date.

Both Mr. Tien and Mr. Vy received us with hospitality and friendliness, and the discussions were almost entirely free of polemics. Both asked to meet our wives, who were waiting in the car—the NLF went so far as to ask them to sit in on the last hour of our discussion.

I asked both Mr. Tien and Mr. Vy if I might return and talk with them again in a few months, and both indicated this would be agreeable.

Finally, I must add that Ambassador Bruce and our own negotiating team were most cooperative and helped me in every way they could. I was impressed by their intelligence and ability, and I regret that they continue to be burdened by our government's refusal to set a date; they deserve to represent a workable policy.

THE HONORABLE ROBERT L. LEGGETT MEETING WITH DRV DELEGATION ON MAY 29, 1971

Together with my assistant, Robert Sherman, we just completed a two-hour conference with Nguyen Minh Vy, the Deputy Chief of the Negotiating Delegation from North Viet-Nam. The interpreter was a man by the name of Xuan Oanh, a gentleman who said he was at the Delegation to study music. The conference that we had was a pleasant one. It did not take the classic form of questions and answers, and in that respect sometimes it was difficult to obtain particular answers to questions that were posed. It started with a statement by myself for perhaps 20 or 25 minutes, followed by a statement from Mr. Vy for a similar period of time, and thereafter we had certain specific answers—certain specific questions.

I would generally conclude that very little new was learned from the conference. It consisted primarily of restatement of prior positions by the North Vietnamese Delegation. They appeared, however, to be very friendly and very much concerned about the opportunity to talk to ourselves. They indicated they considered that we were friends and that they were reluctant to talk to anybody about the prisoner of war issue. They knew that we came to talk about the prisoner of war issue. They were cognizant of the program which we had suggested concerning proportional repatriation. They were impressed with our sincerity in making these proposals, probably primarily because we had attached a Christmas withdrawal date in connection with the percentage of reductions; for this reason they discussed the situation with us. With respect to the particular percentage withdrawal proposal both for troops and prisoners of war, we really didn't appear to have much of a problem. The North Vietnamese Delegation apparently is of the view that the prisoner of war issue is being used primarily by the Nixon Administration to justify a long-time occupation by a residual force in South Viet-Nam, probably for the purpose of maintaining the stability of the South Vietnamese Government.

They were much concerned that Nixon had indicated we could not withdraw until: number one, their troops were withdrawn; and number two, the stability of the South Vietnamese Government was assured. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability and therefore our troops probably would be in Viet-Nam more or less indefinitely. They felt, considering the fact that Nixon had put the double condition onto our withdrawal timetable, that the prisoner of war issue was strictly fraudulent, and they made that point over and over again—that prisoners of war is no problem. I asked them if we set a firm date for withdrawal, could we be reasonably assured if we did no further bombing, that cities would not be shelled and in the withdrawal period that American troops would not be assassinated if they withdrew, and that all of the prisoners would be returned to us in advance of the withdrawal date.

I assumed a hypothetical date of Thanksgiving or Christmas, or finally Washington's Birthday, and their attitude was that really there was no problem on any of those issues, that of course they were unable and unwilling to assume any other alternative withdrawal date other than the date that Madame Binh had suggested, to wit, June 30 (next month). I indicated that this date was, today, totally unreasonable. They cited General Shoup's testimony indicating that we could withdraw a great number of men in a very short period of time, and I assured them, while that is technically possible, certainly if you were banking on the support of American public opinion, that American public opinion would require a longer duration date, that certainly we would have to—whatever we did and whenever we totally got out—firmly give notice to the South Vietnamese Government, and I told them under no circumstances could that date be less than six months.

So, I said assuming a six-month period, assuming all these prior conditions, and assuming we announced to the press that we would get out by Washington's Birthday—that we would withdraw totally by that period of time and that we would not conduct further bombing—could we be assured that our troops, number one, could get out without incident, that our prisoners could be returned, and that the cities would not be shelled.

The response to that was that—well, Congressman, you have Madame Binh's proposal—that's the same thing. This is your proposal—really there's no problem.

So I generally concluded that they were not really interested in setting up a new possible scenario. They were concerned that whatever we set up would probably be manipulated by the President. They indicated that they had many reservations about the President's good intentions. They also didn't like Mr. Reagan, the Governor of my home state. whom they referred to in a jocular fashion.

[(Mr. Sherman speaking, quoting Mr. Vy): "While insisting on a date of withdrawal, we can assure you there will be no problem in solving the POW problem if the date is set. But Nixon does not do his part—that is in setting the date. We cannot do ours, that is, in releasing the POWs. The difficulty is not from our side."]

I further asked them two questions that were posed in an article by Scotty Reston, as reported in the Washington Star on April 9, where he indicated President Nixon said he would not set a specific date for any American disengagement from the conflict because this might put the remaining troops in danger and interfere with the release of our prisoners of war. Reston asked two intriguing questions—one for Nixon and the other for officials of North Viet-Nam and the National Liberation Front. First, would Nixon set a date for the total withdrawal of all American forces from Viet-Nam if officials on the other side guaranteed the release of all prisoners of war and the safe evacuation of all American troops? And second, would Hanoi and the NLF agree to release the prisoners and guarantee the safe withdrawal of the American Forces if he got a guarantee that all Americans would be out of that country by a certain date? It was my general impression after hearing their answer that they feel there would be no problem in terms of their actions; that is, there appears to be no reason to withhold affirming a certain date for fear of safety of American troops.

Apparently they are prepared to pre-commit the safety of withdrawing troops if a firm date for American withdrawal is set.

They finally indicated that they would be glad to talk to me again in perhaps 60 days, that they felt they learned something of American public opinion from our conference, that they wished me well, and wished me to convey my best wishes to members of the American Congress who were concerned with ending the war.

STATEMENT OF CONGRESSMAN ROBERT L. LEGGETT, CONCERNING MEETING WITH REPRESENTATIVES OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT, MAY 31, 1971

Congressman LEGGETT. On the above-mentioned date, at my request, Mr. Robert Sherman and myself met with Mr. Le Van Loc (he didn't speak), described as expert, Le Mai, interpreter who was also described as expert, and second man on PRG negotiating team, Nguyen Van Tien. The meeting took place at the above address, a two-story home. Two French policemen were located outside. We were invited into the home, which had French conventional furniture and draperies and appeared to be clean. We were asked to have a seat and the five of us engaged in a conversation for approximately two and three quarter hours. The PRC people appeared to be cultured and hospitable. They served a thick, carbonated orange juice, cabernet wine and delectable meat rolls as hors d'oeuvres.

I began the conversation by explaining that neither Mr. Sherman nor myself represented the Nixon Administration, that we were Democrats, that I was a member of the House Armed Services Committee, and that a number of us in the Congress and many of the people in the United States were interested in reorienting American national priorities and ending the war with peace in Southeast Asia.

We mentioned that a few days earlier we had met with the North Vietnamese, to wit, Minister Vy. We indicated that we had a program that had been now authored by approximately 10 percent of the American Congress which we called proportional disengagement, also known as proportional repatriation. Tien appeared to be aware of our proposal through correspondence and otherwise. I emphasized that the proposal involved a number of factors that were beneficial to both sides, that it would call for a date for disengagement, would assume no bombing or shelling would occur after the date was set, and that proportionally troops and prisoners would all be withdrawn and returned home.

I mentioned that I was aware of the proposal for disengagement suggested by Madame Binh, to wit, June 30, 1971. I indicated that at this time a more reasonable date would have to be looked to, such as next Christmas or spring. I explained to Tien that as far as I was concerned, I felt both sides had an interest in a programmed disengagement whereby the South Vietnamese government would have at least six months notice of American total withdrawal. I used the words that they could be "weaned from the United States."

I mentioned that I felt it was to our mutual advantage that we not have a long-term occupation of South Vietnam. I mentioned that the American people, I felt, were tired of the war in large part because we couldn't afford it due to inflation; that inflation was not a permanent thing, that conditions were bound to get better, that when we were in a healthier economic condition, the American people might again find it to their advantage to continue the war. I mentioned that as a result of this possibility it was to our mutual interest that we negotiate prior to the time the President's de-escalation resulted in a hard-core residual force of occupation.

Mr. Tien thanked me for my explanation. He welcomed our good will to end the war, to bring an early repatriation to troops and prisoners of war.

I had mentioned that the proposal I had made did not receive the blessing of our own administration, and I mentioned the reasons why our proposal had received a negative response, to wit, we were concerned that if the PRC and NVN did not accept a proposal like this we might find it difficult to further disengage.

The response to that by Mr. Tien was that the Nixon Administration's negative answer was easy for him to understand because he felt that President Nixon was using the prisoner of war issue merely as a camouflage to masquerade (his words) Nixon's perfidious schemes to maintain prolonged occupation. He mentioned, as Mr. Vy had mentioned, that President Nixon had conditioned his disengagement intent on two conditions. First, the return of all American prisoners of war and, second, the stabilization of the South Vietnamese government. Tien indicated that the South Vietnamese government could never be stabilized. Tien indicated that Nixon knows the PRG position on prisoners of war. "He knows that they can be returned if he would merely set a date for disengagement, but he insists on maintaining his options for a long-term occupation." He indicated if Nixon would set a reasonable date, the prisoners of war could be released soon.

My assistant, Mr. Sherman, asked, if the President were to announce withdrawal of all troops by Christmas of 1971, could the prisoners be released earlier than that date? Mr. Tien smilingly indicated that this was very possible. He indicated that humanitarian considerations would require the release of the prisoners. "When President Nixon sets a date, prisoners could be released through talks relatively soon without attacks on withdrawing troops."

At this point I asked him if we could have a list of the prisoners. He repeated that this can be solved when they receive the notice of withdrawal.

I said, "Well, how many prisoners are we talking about—350, 100, 200, 40?" He smilingly indicated that he hadn't accumulated the lists. I said, "Do you have so many you cannot count them?" He smilingly replied that when the President provided the notice of disengagement Tien would provide the list of prisoners and the prisoner issue would be settled.

I asked if the prisoners were well-kept. The response was that they were. I asked if they received medical attention. He said that they had hospitals and doctors—many underground. He indicated again that President Nixon is not concerned with the prisoners, only with supporting the Thieu/Ky/Khiem government, that President Nixon needlessly continues to waste the lives and dollars of American taxpayers to support only a handful of bellicose people, to wit, Thieu/Ky/Khiem.

Mr. Tien was concerned that the people in the United States and their other friends around the world continue to exert pressure on the President to end the war. He indicated that they would like to see a termination of hostilities, the establishment of a new government, the establishment of diplomatic relations of the new government with the United States.

I asked him at this point who he expected to win the election in October in South Vietnam. He indicated, that depends on Nixon. If Mr. Nixon wants the war to end, if he wants an honorable end to the war, he will have to support the South Vietnamese people who want the withdrawal of the United States support to the Thieu/Key/Khiem government. He indicated that the people of Saigon and South Vietnam, in his view, hated the government.

I asked him if Madame Binh and himself were to join in a ticket, if they were allowed, opposing the Thieu/Ky/Khiem ticket, who would win. He indicated that this was not allowed over there.

I asked him what percentage of support in South Vietnam he felt the PRC had. He indicated that they had an overwhelming majority. He said he had considerable support in the urban areas. Because people are tortured and placed in tiger cages it is difficult to determine their allegiance.

I asked if he were a Communist. He indicated he was a neutralist. He indicated that because there was no freedom of speech in South Vietnam, it was difficult to determine the attitudes of the people.

I asked him what major changes he would like to see in South Vietnam besides Thieu/Ky/Khiem and the United States getting out. He said he envisaged a nation of concorde, reconstruction, and economic development as well as respect for independence.

He said he would accept aid from any country if they wanted to assist in rebuilding South Vietnam.

I asked him what he thought of Big Minh's chances for the election. He indicated that depended on Nixon.

I asked him how the government of South Vietnam could redevelop, how the parties could work together. He indicated that everybody could work together, but not Thieu/Ky/Khiem. He indicated that anybody should be allowed to participate in the government who supported neutrality, independence, and peace. This excluded Thieu/Ky/Khiem. But when was asked who was the judge of the standards he described, he smiled and said the people will decide.

I asked him if the thought a two-party system would work in South Vietnam or a system where the Communists were allowed, as in the United States, France, and Italy. He thought if they had too many parties the government could not work.

He again made clear Madam Binh's 8 points for a coalition government of the three components: (1) the PRG; (2) the Saigon government, but not Thieu/Ky/Khiem; (3) persons of religious forces, all of whom were for peace, independence, and neutrality.

I asked if he believed in one-man, one-vote. He smilingly said he did (if he understood me).

We asked about reprisals after the war against people who supported the Saigon government. He indicated that reprisals are useless, that the people of Vietnam have had too much of war. They will welcome a neutralist policy.

I asked him if he planned a Communist-type system right away. He indicated he wanted to govern in an independent, neutralist line. I asked if he planned a private enterprise, a Communist, or a socialist economic system. He indicated that he supported a neutralist economic system. I said if you don't plan to have private enterprise or a Communist system, could the system you espouse be described as socialist. He smiled and said, "No, it's a neutralist, independent line." I said that when you write your book on a neutralist, independent economic system, would you send me a copy. He smiled.

I asked why he was opposed to Thieu/Ky/Khiem. He said he was last in South Vietnam in 1969. He said he was opposed to the dictatorial, war-like policies and the corruption of the Thieu/Ky/Khiem government. He was opposed to its support by the United States.

He said that Vietnam was one country for 4,000 years, that there was a common desire for eventual reunification of the North and the South, that he was in no hurry. I asked if he wanted to unify the North and the South right away. He said, "Well, there's a difference in regimes. It will take a long time for reunification, maybe five to ten years."

I asked if the United States agreed to withdraw forces on a day certain, will the NVN also agree to withdraw on a day certain. He stated that the problem of the Vietnamese armed forces will be solved by the Vietnamese parties themselves. I said, "Well, armies solve problems by force." He

smiled and indicated that he felt that a political solution was the way the Vietnamese would solve their problems after the United States left.

I asked again if he felt that multi-political parties could work in Vietnam and he indicated, yes.

Back to the subject of prisoners of war, we asked again about health (already covered), and what prisoners got to eat. I asked if they were given food other than rice. He said yes, New Nuong (the meat rolls we were then consuming). He said the prisoners like it.

We asked again when we could get a list of prisoners. He said when the President sets a date we can have a list. I said how would you like to have a list of your prisoners in exchange for a list of our prisoners.

He said, "They tell us you have only three political prisoners. We ask their names and the names were not provided."

He referred to an article by Don Luce, a copy of which he provided me. The article, he said, refers to one hundred to four hundred thousand political prisoners. He said the United States admits to one hundred to four hundred thousand political prisoners. I asked him where these people were. He said they were in a thousand prisons and jails, at Con Son prison, with 8,000 and he provided me with another list of prisons where he claims political prisoners are being held.

I asked, if I gave him the names of their political prisoners, will he give me the names of our prisoners? He responded that if Nixon desires to end the war and set the date for withdrawal, then all the rest of the problems can be resolved easily.

We talked again of a Christmas disengagement date. I asked him, "Since you are allied with the North Vietnamese and since they provide a list of prisoners and mail service, why don't you?" He said, "I think we have explained that. If Mr. Nixon will set a date for withdrawal, the prisoners can be returned." He stated that thirty prisoners, including civilians, have already been released from the South and that all of the releases were claimed to be merely propaganda efforts.

I asked him why he didn't talk to Madame Binh and give us the names of a few prisoners to take home. He ignored the question. Mr. Sherman then asked a series of questions to the effect that the American position of the President was that if a date were set for disengagement, that the President was concerned that a number of other conditions would be added before prisoners could be released. At that time, Mr. Tien referred to a written statement that he had provided earlier in the negotiations which stated that if a reasonable date for disengagement were set we could have an immediate cease-fire, second, that all parties could immediately enter into a discussion insuring the security for withdrawal and release of all captured military men, that the discussions could be had on release of all prisoners of war, and he said then, that a second matter to be resolved was the disposal of the Thieu/Ky/Khiem government. He indicated that the two problems were linked together which caused us preliminarily to believe that they would require the deposing of the existing Saigon government before the prisoner issue could be resolved.

Mr. Sherman again asked if they felt Christmas was a reasonable date. The answer was the sooner the better. I said, "Well, your answer indicated then that the setting of a date is totally immaterial for a solution to the problems, that the main issue is the deposing of the Saigon government which appears to be a condition not under the control of the American people." He indicated that was not correct. The position was not so rigid. I asked him to explain this. He said again that if the United States sets a date for withdrawal immediately, there would be a cease-fire between the United States and the NLF, that the parties could immediately enter into discussions for the return of all prisoners, captured men and pilots and for the safe withdrawal of all American forces, and then there would be a second question which could later be handled concerning the Thieu/Ky/Khiem government.

I told him that the United States has good control over our troop disengagement but not over the Thieu/Ky/Khiem government. He said that the United States must be responsible. I told him that the American people were not responsible for the government of Saigon, that the American people wanted the withdrawal of American forces, but that there was not majority support in the United States to abandon the Saigon government. I said I anticipated the United States would supply Saigon and Hanoi would supply them (i.e., the PRG) until a political settlement is reached.

I asked him how he thought it would be possible to get rid of the Thieu/Ky/Khiem government. Since they controlled the Army, a coup did not look likely and they appeared to have popular support in the elections the way they were held. He stated if the United States withdraws military support, it's over. I asked him to explain this. He indicated the Thieu/Ky/Khiem government survives on U.S. aid. I asked if the ARVN didn't have billions of dollars of supplies already. He indicated they will need more.

I asked him when was the last time he was in South Vietnam. He stated 1969. His home is in the Mekong Delta in a place called My Tho, 80 kilometers south of Saigon. I asked him if he had read *U.S. News and World Report* last week indicating the Mekong area was reorienting toward the Saigon government. He said the people's movement in the Mekong is very strong, has always been on the offensive. He said evidence of this is the toxic spraying of chemicals by the United States which has destroyed ⅔ of the coconut trees, much of the crops and fruit trees. He said if there is no problem in the Mekong, why do we spray the crops.

I asked him if his forces rely on the Mekong food supply. He said yes, that they had plenty of food, a surplus.

I asked where his people sleep at night. He said many places. They go to bed at 8:00 P.M. In liberated zones. This is difficult near U.S. bases where they must live in underground shelters.

I said, "What do you do with your wounded?" He said that they have doctors and hospitals throughout South Vietnam and in the liberated zones. I asked where the liberated zones were and he said, all over.

I asked what percentage of support he had in Saigon, the number of people. He said the people cannot say openly, but the PRG has majority support.

I asked him if the United States withdrew, could the South Vietnamese government survive another Tet-type offensive. He said if there were a cease-fire, there would be peace.

I asked if any of the written material he had given us was new. He indicated that it was provided negotiators last year except, he said, information on the prisoners. I asked if he was tired negotiating. He said, "We are a patient people."

During the conference we asked specifically if a reasonable date were set, perhaps six months away, what would happen? He answered: No. 1—cease-fire; No. 2—We would talk about prisoners and agreement would be reached where prisoners were returned immediately before the disengagement date, that the safety of all troops disengaging would be guaranteed and that a list of prisoners would be provided also immediately.

My wife and Mrs. Sherman were present for about one hour of the conference. They were welcomed.

Tien said he would be glad to talk to me again in sixty days.

Mr. SHERMAN. During the course of our discussion there were several points they made, which were new at least to me. In all cases in order to make sure that there was no misunderstanding, we explicitly restated what they said at least once, sometimes three times, to be sure that they would confirm it. They began by saying that President Nixon's rejection of proportional repatriation was easy to understand because he intended to keep troops in Vietnam and to continue the war indefinitely. He said that President Nixon proposed two conditions for withdrawal—(1) prisoner release; (2) stabilization of Saigon and Saigon cannot be stabilized.

We asked them if we were to withdraw by Christmas, when would the prisoners be returned. They said the prisoners will all be returned before Christmas. This point we reviewed three more times to make sure there was no misunderstanding. They did not insist on a June 30 deadline, which the North Vietnamese negotiators did. They did back off from their statement in one instance, this was a distinction they emphasized very strongly. They indicated by their mannerisms they felt it was an important distinction, that is that the date for withdrawal must be reasonable and it must be agreed to by all parties.

Later in the discussion, I asked him explicitly if they regarded Christmas as a reasonable date and they said, "The sooner the better."

They said they have no interest in keeping the prisoners. They have no intention to maintain them in captivity.

He said once the United States withdraws, friends of the United States who love peace will replace Thieu/Ky/Khiem. I asked him if they considered themselves friends of the United States. They laughed and said they considered themselves friends of the American people. They said they were ready to establish diplomatic relations with the U.S. Government. They said if Nixon desires an end to the war, the coming election provides an opportunity to get out of the war in an honorable way. They said the government they would establish in South Vietnam would be made up of three elements—(1) The PRG, (2) Members of the Saigon government excluding Thieu/Ky/Khiem, and (3) Other religious persons who stand for peace, neutrality, independence and democracy.

We asked who would decide who stood for peace, neutrality, independence and democracy. They said the people will be the judge when they vote. I said then that they were saying that it will only be by a vote, the election is made not by a preselection and they said, yes.

Then they said they were ready to receive aid from anybody, as long as it came without political conditions.

We asked if they believed in one-man, one-vote. They said, yes.

I asked them, "Can you assure us that there will be no blood reprisals against those who associated with Thieu/Ky/Khiem." They said reprisals are useless among their people, that they desire to unite with each other and to rebuild. They have had enough of war. The danger of reprisals is a pretext used by President Nixon to prolong the war.

We asked them if they intended to unite with North Vietnam. They said Vietnam has been one country for four thousand years, that they were not hurried. There are differences between the two regimes. They mentioned a time period of "five to ten years or longer" as the time reference for reunification.

We asked them, "Will the North Vietnamese troops be withdrawn at the same time as the U.S. troops." They very emphatically said that the Vietnamese would solve this problem among themselves.

We asked them if the Vietnamese could work together with multi-political parties and they said yes.

At this point we asked them if once the date is set, will they immediately produce a list of all the prisoners they hold. They said they would. This point we subsequently

restated three times and they indicated agreement with it.

I said to them that one of the reasons that President Nixon gave for rejection of proportional repatriation was his feeling that if we offered to set a date in return for releasing the prisoners of war, that then the NLF would raise their price and would ask that the deposing of the Thieu/Ky/Khiem government as an additional price for returning the prisoners of war.

They said they want economic aid only, not military aid. We asked them if we continued to supply the Thieu/Ky/Kheim government, but gave them no military personnel, would that government be able to survive, and they said, no.

We asked them if the U.S. troops withdrew would the Thieu/Ky/Khiem government be able to survive another Tet offensive. They said if the U.S. Government withdrew they would want peace, not another Tet offensive.

We said it would be a valuable good-will gesture to end the war if they were to release twenty to fifty prisoners of war. They said they had released thirty prisoners of war already, including journalists, and that each time President Nixon had dismissed it as propaganda.

We asked them if they were tired of negotiating. They said, "We are patient."

On all occasions when we discussed the list they seemed to regard the list as a relatively minor thing and they emphasized that as soon as we set a date not only would the list be given out, but there would be an immediate cease-fire and they would immediately discuss the release of all prisoners.

Congressman LEGGETT. We generally concluded that our plan of proportional disengagement/repatriation might well be the procedural vehicle which the parties could use to carry out any negotiating prior to actual total disengagement after a date is set.

Mr. MELCHER. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, efforts to deny the people's right to know about decisions made prior to 1968 to escalate the war in Vietnam gives a new dimension to the responsibility of the House of Representatives to assert itself on ending the war in South Vietnam.

Neither the people's representatives in Congress nor the public have ever been privy to the secret information that guided the decisions of high officials to involve us heavily in war in Vietnam. Even now the public is told it is not to know this information that was gathered in 1968 by the Pentagon because the Attorney General of the United States believes it would be leaking information vital to our national security.

Even though it is past history now, the people of this country should know what motivations, decisions, mistakes, miscalculations or misdirections by the officials at high levels have led us deeply into war.

By preventing this knowledge from becoming general, the Attorney General and others in the administration do all of us a disservice.

This day should end the subsurvient silence by the House of Representatives on ending our involvement in the undeclared war in South Vietnam. With the constitutional responsibility of initiating appropriation measures, the House in its past history was a more vocal and vital branch in the workings and decisions of the country. It should reassert that role.

Today the House again speaks on how long we permit this country to pursue the policies in Vietnam of a declining war and a slow withdrawal marked with decisions of military activity into Cambodia and Laos. Oh, how long, how long, does it take this country to decide that our withdrawal should proceed forthwith and our attentions turned toward our own Nation's economic and social problems?

It is fitting that the House today assert its right and duty to measure and direct the flow of expenditures in Vietnam. It is especially fitting in view of the Attorney General's action in court to muzzle the press and prevent publication of the facts surrounding decisions in 1968 to escalate the war in Vietnam. To try to prevent publication of the 1968 Pentagon war study by citing national security, as the Attorney General is doing with the support of the Secretary of State, will not wash with the American people. The people recognize that it is a flimflam effort to cover up the factual history by yelling "national security" to conceal decisions made to escalate the war prior to 1968.

President Nixon in the fall of 1969 rallied the people including myself behind him when he announced our withdrawal from Vietnam. The President was bringing the country to a unified position by this policy. But he has delayed too long to hold the strong backing he once had by stretching out his withdrawal plans, escalating side wars in Cambodia and Laos, and creating doubt as to his future plans.

There are many lessons to learn from Vietnam, and one of the most important is surely that decisionmaking on war should involve the Congress.

The House should speak today to tell the President what the people of this country have already determined. We are too long in Vietnam. "Out now" they say, "out with our men, out with our prisoners of war held by Hanoi." For that purpose and for that goal the people's elected Representatives can today take a stand and help guide the President and the Nation, as we are supposed to do.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GUBSER. Mr. Chairman, I rise in opposition to the Robison of New York amendment.

Mr. Chairman, threaded throughout this debate we have seen serious consideration of our unfortunate prisoners of war.

Some have callously said that we are making pawns of these men. But we cannot disregard the fact that they are Americans who are prisoners for having done their duty as they were ordered to do it. It is our obligation to conduct ourselves here in this Congress in a manner which will best assure their safe return.

Now I commend the gentleman from New York (Mr. ROBISON) for his amendment, because I think it is intended to meet that purpose, but I submit that despite its sincerity it falls far short of that goal, and it will probably cause harm, because it unilaterally concedes a point that the North Vietnamese devoutly desire in exchange for a promise to be fulfilled in the future regarding POW's.

One of the greatest and most respected names in U.S. naval history is the name of Adm. C. Turner Joy. He was the man who conducted our negotiations at Panmunjom. Just by coincidence the Doorkeeper brought me a card a little while ago with this message written on it:

My father said in his book, "How Communists Negotiate," you must deal from a position of strength when negotiating with communism. Communists respect only force and patience.

The Chicoms in Korea were hoping the American people would force him to give in to the North Koreans and the Chinese communists.

Today is a repeat performance of the Korean truce talks.

And that is the card of C. Turner Joy, Jr. I think that man knows whereof he speaks. I think that he knows that the unilateral concession of a withdrawal date, no matter how well it is intentioned, no matter how much lip service we may give to the POW issue in a legislative forum, that these men will be held for ransom and for reparations, and they will be held for political purposes just like the *Pueblo* prisoners were held.

How many of you know that, according to the French Embassy, there are some 20,000 POW's and MIA's who fought with the French who to this day are unaccounted for? The Library of Congress expert on Southeast Asian affairs puts the number at 26,000.

Now, how can you ascribe any credibility to Hanoi's announcement that they will talk about the release of prisoners of war once we set a withdrawal date? How can we expect honest negotiations even with the so-called safeguards in the Robison amendment when we concede a major point without a quid pro quo?

Contrary to what so many people are telling you today, you can negotiate return of prisoners of war before a war is over. That is the way it is done. Let us not try to assume the negotiation process in this legislative body. It does not belong here.

It was on June 8, 1953, that the POW issue was settled at Panmunjon, to be effective on the date of the armistice, and the fighting was still going on and the fighting continued until 12 hours past midnight on July 27, 1953. That was the date of the armistice.

So it is totally false to say that you cannot negotiate a POW settlement in advance of a withdrawal or a cessation of hostilities. It was done in Korea, and it can be done again.

In the Robison amendment the term "ceasefire" is ambiguous. The North Vietnamese have repeatedly rejected our President's October 7, 1970, proposal for a total cease-fire throughout Indochina.

The most they have ever stated is that they would not shoot at American forces as they depart, which means they would continue to attack the cities and populated areas while claiming to only be shooting at their Saigon enemies. American lives would be jeopardized.

Also of dubious feasibility and wisdom is the Robison amendment charging the United Nations with the vital responsibility for insuring compliance with the provisions of the agreement reached under the resolution:

> The Communist side has explicitly and consistently opposed any United Nations role whatsoever in the Indochina conflict and North Vietnam's Communist allies in the UN could be expected to continue to make every effort to prevent the UN from playing an effective supervisory role.

Finally in contrast with the administration's call for an effectively supervised ceasefire throughout Indochina and for an international peace conference involving all of Indochina, the amendment totally neglects the important related areas of Laos and Cambodia where large numbers of North Vietnamese regular army units are carrying on their attacks.

The Robison amendment should be defeated.

Mr. SIKES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the House is being asked in this amendment to assume treatymaking responsibilities and to establish foreign policy. This is not our constitutional right. There have been a rash of attempts like this through amendments which claim to contain the magic date for an end to the Vietnam conflict. All of these efforts have a common failing. They set a date for withdrawal by American forces which is meaningless because they propose unilateral action by the United States. They assume the North Vietnamese, through some sudden change of heart, will release all American prisoners of war and stop the fighting and leave the South Vietnamese to their own destiny once the United States agrees to quit.

There is not an iota of evidence to support either hope. Nothing has been developed at the Paris peace talks which would indicate, let alone promise, such an outcome. All that we have are hints cleverly expressed by Asiatic Communists who are skilled in the art of doubletalk to some traveling American Congressman that everything will be all right if we will only establish an American surrender date in Vietnam.

Now, I have the fullest respect for our colleagues who are seeking to bring about an end to the war. Everybody wants the war ended. Our colleagues are very sincere in what they are attempting to do. But they ought to know that lying is second nature to a Communist. Is not it obvious that if the Communists really are serious, they would at long last be carrying on meaningful negotiations at the Paris peace talks? All they are doing is throwing dust in our eyes. What they say to American Congressmen is not binding and it is intended only to confuse the American people and cast doubts on our leadership. The Communists can set a date any time they wish for the release of our prisoners and for both sides to end the fighting, and we will respect it.

I intend to oppose all such amendments to the fullest. There is only one appropriate time for the United States to withdraw from the conflict in Vietnam. That time will come when all American prisoners are certain of speedy release and the South Vietnamese are assured a reasonable chance to protect themselves from successful Communist aggression.

To be sure, that is a date uncertain. Further, it is a date which no man in this Chamber can claim to know for a certainty. What is so sacred about December 31, 1971? Or, for that matter, what is sacred about any of the other dates which have been proposed for complete American withdrawal from Vietnam?

We are told that we should get out of Vietnam this year, because we have been there long enough and we have lost enough American lives to have filled our treaty commitments. And heaven knows, we have been there long enough, but only because the American people were never asked to support a war to win in Southeast Asia.

It is too late for that now. Our country has soured on the "no-win" policy and groups have sprung up all over our land which urge us to get out at any cost—just get out. Whatever their backgrounds or connections, they are helping to make a shambles of the Nation's efforts to bring about an honorable and responsible peace. The President has done everything that anyone could hope to do to bring about an end to the war short of actual surrender. His policies are working; there has been substantial progress in disengagement; and the South Vietnamese are accepting more and more the responsibility for their own destiny.

Let us not throw in the sponge when we are making real progress. We in the House of Representatives are not treaty makers. We can accomplish only harm by attempting to take policy matters out of the President's hands. He is doing a good job. He is getting our troops out of Vietnam. He will have us substantially out of that conflict within a matter of months without a confirmation of victory for the Communists and he will do it in an honorable and responsible way. This amendment would do just what we do not want—confirm a victory for the Communists.

Again, the Communists themselves can establish a date any time they wish—a date for the release of American prisoners and for an end to the fighting by both sides—and we will respect it. We cannot establish a date by action of the House of Representatives.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in recent weeks I have received a number of letters which begin something like this: "Dear Congressman, my vote for or against you in the election next November will be based on how you vote on ending the war in Vietnam." Most of my colleagues have had a similar experience. Therefore, the interest which Members of the House have in matters of foreign policy and more specifically our policy in Vietnam is not that of a mere casual and disinterested spectator. The people of the United States do look to the Congress as well as the Chief Executive and hold us responsible for how well we perform in this vital area. And I do not complain. Indeed, this is as it should be, and part of the tragedy of Vietnam was the manner in which by calculated deception and the deliberate withholding of information in a prior administration Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility for our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionally warranted or wise.

However, the question before us today is whether or not this bill is the proper vehicle to assert a congressional prerogative to share in the formulation of policy. I think not. It by the admission of one of its own authors, the gentleman from Ohio (Mr. WHALEN), the jurisdiction of the Armed Services Committee relates inter alia to the authorization of the procurement of various defense weapons systems. It does not extend to the payment of military personnel.

I quote the gentleman from Ohio—page 19962 of the RECORD for June 15:

> Let me state some specific examples of things that the Nedzi-Whalen amendment will not accomplish:
>
> First it will not require that troops be withdrawn from South Vietnam after December 31 of this year, or deny them use of equipment and weapons systems that are already in South Vietnam.

Earlier this week the RECORD carried a letter of Prof. Paul Seabury of the University of California at Berkeley, a liberal Democrat, he was writing to another distinguished American, John Gardner, to tell him why he could not support him and his organization in their effort to secure passage of an end the war resolution of the type before us this afternoon. He made among others two points that particularly impressed me. One was his reference to what Max Weber calls the ethic of responsibility which he suggests is as important as the other ethic which Weber concerned himself with, the ethic of ultimate values and ends.

My friends, I feel very deeply a sense of responsibility this afternoon, the sense that all of us in this body have erred in times past because of some of the misinformation that was circulated about Vietnam. And I shall carry that responsibility with me as long as I live.

But can I then turn around and say that this is the way to act responsibly, to encourage the American people to believe that by adopting this amendment we are somehow going to secure an objective which all of us devoutly wish for, the withdrawal of our troops from Vietnam, when the very author of that amendment has told us, "No, it will not bring about the withdrawal of a single man from Vietnam by December 31 of this year?"

I cannot see how I as a legislator can discharge my ethic of responsibility by

taking that position. Indeed, I think it would serve to compound some of the errors I have made in the past. So I would think the ethic of responsibility compels us to refrain from that kind of action.

I would remind you of what a great parliamentarian, Edmund Burke, once said. He said that in a discordancy of sentiments it is better to look to the nature of things than to the humors of men. It would unquestionably give many of us including myself a great deal of satisfaction to proclaim that I have voted to end the war. We are unanimous, I feel sure, in this body and in the executive branch in the desire to end the war and usher in a generation of peace. However, the unanimity of such intention in our midst must not serve to obscure the realities. We must look to the nature of things and realize that peace will come and we will see the return of our prisoners of war only when there is a mutuality of opinion on these issues and our adversary is willing to exchange war for peace and to release our POW's.

My disapproval of the Nedzi-Whalen amendment does not mean that I see no role whatever for the Congress to play in sharing the responsibility for an end to the war. Next week I plan to testify before the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee. My testimony will be in support of a resolution which I have drafted in an effort to clearly state our objectives and policy in South Vietnam.

The forum of these hearings and the debate which could then ensue on a resolution which might be reported by the committee would provide this House with an opportunity for truly meaningful participation in this area of legislative responsibility.

I believe that the procedure that I have outlined is better designed to help the Congress assert its initiative and rightful role than the adoption of the amendment before us.

Its authors and supporters are unquestionably well-intentioned. However, it would further compound the tragedy of Vietnam to adopt it only to discover that instead of peace it had produced disillusionment for the reason that it simply cannot accomplish the noble end for which it was designed.

Mr. DOW. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. DOW. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. I am a little reluctant about doing so, but I wanted to speak to you for just a minute or two because I thought it would be helpful for you to have the views of someone who was opposed to the war from the very beginning. We, perhaps, had a different view of this amendment than some of the rest of you, and I want to take just a minute to say why that is.

We think that the Nedzi-Whalen amendment is a very feeble amendment even though we are going to vote for it. We think that it is as wide as a barn door in permitting the President to continue the war. He could drive a team of horses through there if he wanted to take them to Vietnam.

We believe that subdivisions (b), (c), (d), (e), and (f) of the Nedzi-Whalen amendment are very weakening amendments, that they are feeble, and that they contain illusions about the war and overlook some of the realities.

I am going to speak briefly on only two of those illusions.

One of these illusions relates to the prisoners of war. The (b) paragraph allows the President, if he thinks there is some better way to secure the release of the prisoners, to set the date provided in the amendment ahead—in other words, to ignore it.

The implication is that perhaps by using force or by retaining troops in South Vietnam we are going to secure the release of the prisoners. My good friends, I submit to you that those prisoners will never be released by the threat of the use of force. Certainly if we could not release them and if we could not work our will in Vietnam with 500,000 men, how in thunder can we do it with 150,000 or 50,000 or some residual force?

The prisoners will be released at some time by negotiation just as the men from the *Pueblo* were released from Korea. That is the only way it will happen. I am presumptuous enough to make that prediction because the North Vietnamese and the Vietcong have shown us after 6 years of our applications of force, unrelieved applications of force, that they will not give an inch. Certainly they are not going to give the prisoners. I submit we had better make up our minds to that reality.

The only other section I should like to address is section (c). It says:

> This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

It seems to me a constant habit in Congress to bow down to the President of the United States on the assumption that there is a great area here, a great constitutional area, where the President has a certain right of decisionmaking all his own and separate from Congress. I submit that this is an illusion, because there is no area over which the President has executive power where the Congress does not also have legislative power. The Constitution specifically states that the Congress shall have legislative power and that it shall have the power to regulate the Army and the Navy. I am sure that goes all the way down to monograms on the silver in the mess hall.

The Congress could legislate in any area relating to the discipline of and the use of our troops. We could legislate for entry into Cambodia or the barring of our troops in Cambodia. We could legislate for entry into Laos or the barring of that purely by a legislative enactment.

That, as I see it, is one of the weaknesses in this amendment; namely, conceding so much to Executive prerogative, as if it were outside the frame of legislative oversight.

Nevertheless, I support the Nedzi amendment because it does point in the direction of ending the Vietnam war sooner. It is regarded as a step toward peace in Southeast Asia, and that I am for.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, about one out of four Congressmen and Senators has sponsored declarations, resolutions or amendments calling for withdrawal of U.S. forces from Southeast Asia immediately or by December 31 or some other date certain. Some proposals call for flatout disengagement, no matter what. Others would temporize somewhat regarding the safety of POW's and withdrawing military forces.

In contrast, President Nixon pledged termination of the Vietnamese war as fast as feasible when he assumed office in January 1969. He refused to announce a withdrawal deadline because to do so would not help the United States get out, but might significantly aid the North Vietnamese. The President also determined it to be in the national interest to specify three withdrawal conditions:

American POW's must not be imperiled;

Withdrawing U.S. military forces shall not be endangered; and

South Vietnam's legitimate defense should not be disadvantaged.

Within these constraints the President has accomplished troop reductions at a remarkable rate of over 130,000 per year. By next January American forces in Vietnam will be reduced from a high of 543,400 to less than 150,000. By mid-1972, they are expected to number fewer than 50,000, with withdrawals continuing.

Short of surrender, I do not see how this process could have proceeded any faster. I am as frustrated with this long drawn-out war as the next man. I know of no one who does not want out of it as quickly as possible. Frankly, it appears to me that setting a congressional time limit will not speed this up but is highly likely to be counterproductive.

Just because we are sick and tired of the war, does not mean that we can walk away from it without paying any exorbitant price. A man may be fed up supporting his wife and children. But if he walks away from them all will suffer severely. The situation with nations is parallel.

Modern diplomatic history reveals that we have veered between seeking our national security in alliances or seeking it in isolation.

Alliances, such as we now have, can prevent or damp down conflicts, but at the cost of engagements in faraway disputes that now generations of voters find burdensome.

Isolation avoids such early involvements, but often at the cost of facing large-scale conflicts in more unfavorable circumstances later on.

For example, World War II came on the heels of a declaration in 1938 at Munich by British Prime Minister Neville Chamberlain, responding to instincts very similar to those expressed by some Americans today, which dismissed Czechoslovakia as "a faraway country of which we know nothing."

In this context, a last minute switch to the isolationism of some fixed date for getting out of Vietnam seems the way to invite a larger conflict later. Continuing the President's less rigid formula seems likely to achieve the generation of peace which he has promised.

Possibly it would be politically advantageous for me to join the clamor for a "deadline" on the war. It appears popular. But I think it would be wrong

and perilous. I think it would disserve the United States.

I must decline to do so.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in my judgment the Nedzi-Whalen amendment should be defeated for two very good reasons.

First, it is symbolic, without substance. The net consequence is that it is a meaningless amendment.

Second, the amendment should be defeated because if it were approved in the context of what many Americans believe it contains, it would have the net result of depriving the President and his appointed negotiators of honestly and effectively negotiating for a peace for the United States in South Vietnam.

Many, many Americans have the distinct impression that, if we pass this amendment, by December 31, 1971, all American forces must be out of Vietnam.

That is a regrettable and erroneous impression.

The truth is, as has been admitted by many previous speakers and particularly the speaker who just preceded me, the gentleman from New York (Mr. Dow), this amendment is full of loopholes and escape hatches. To use his words, if I can repeat them, he said specifically that it was "a feeble attempt" and "it was an amendment that was as wide open as a barn door."

If we approve this amendment, we are deceiving the American people and we are adding to the cynicism that exists throughout the country. We would not accomplish anything, because in the amendment you have not one but several escape hatches or loopholes.

Subsection (c) of section 402 says:

> This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

If you do not interfere with the constitutional power of the President as Commander in Chief, who has the constitutional duty to protect the lives of the men who serve on active duty and who has the constitutional responsibility of taking care of our national security, then we do nothing—I emphasize nothing.

I think it is sad and regrettable that the American people, many of our fellow citizens, believe that the enactment of this amendment would in effect force the withdrawal of 245,000 Americans who are currently in South Vietnam. The opposite is true. Its enactment will disillusion many Americans.

Second, as I said, if we pass this amendment in this form, we would torpedo the opportunities for bona fide, legitimate negotiations. If this amendment is approved, it would be my feeling that our negotiators in Paris might as well come home. In Paris, with this amendment on the statute books, they would have one hand tied behind them. They, as negotiators, would have been told to give away something for which they might have gotten something. Their effectiveness in Paris would be negligible if this amendment were to be passed.

We tried this approach before where we gave away something in the hope that the enemy would give us something after the fact. We tried it in November 1968, when we stopped the bombing and we were promised that negotiations would proceed and results would be accomplished. In this case the Communists banked our concession and put it in their pocket and said, "Now let us start from scratch."

Mr. Chairman, if we do what the proponents of this amendment want, we will be doing the same thing and compounding the same error. I do not think we should be so foolish again.

One final comment. The gentleman from New York has, I am sure in the greatest sincerity, sought to amend this defective Nedzi-Whalen amendment by a proposal that calls upon us or our negotiators to get a settlement of the prisoner of war problem, as a prerequisite to the American troop withdrawals. The gentleman from New York has recognized the total weakness of the Nedzi-Whalen proposal. He is doing his best to try to improve it by his amendment, but his amendment and the others point up what should be done. There should be full hearings on all proposals in a responsible committee or subcommittee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BINGHAM. Mr. Chairman, reserving the right to object, there have been repeated objections from the other side, some of them, in my opinion, remarkably discourteous, particularly to the original proponent of the amendment. I deplore this, and I shall not object in this case, but I should like to call attention to the fact that these objections from the other side of the aisle have taken place.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Mhichigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I am very grateful to the gentleman from New York (Mr. BINGHAM) and certainly the gentleman from Indiana (Mr. DENNIS).

I want to make one point. I was told yesterday that our distinguished colleague, the gentleman from New Jersey (Mr. GALLAGHER), the chairman of a subcommittee of the House Committee on Foreign Affairs, was undertaking next week, as I recall, a comprehensive hearing on all of the proposals that air at doing something like the Nedzi-Whalen propostion.

I was told, as I recall, that there were 70 Members of the House who had one version or another on this issue.

Mr. Chairman, does it not make more sense to turn this responsibility, that of the Robison of New York amendment, that of the Nedzi-Whalen amendment, the Findley amendment, and the McClory amendment, over to that group for them to make a judgment and to report something to the House, if anything?

I thank the distinguished gentleman from Indiana for yielding.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I asked for this time only because I did not have time to complete my statement a few minutes ago. In other words, I was prepared to suggest the very thing which the distinguished minority leader has mentioned.

I, for one, plan to appear and to testify before a subcommittee of the House Committee on the Far East and Pacific and Asian matters when it does meet.

I think we do have a responsibility, and let me make that clear. I am going to appear before that subcommittee and suggest the language of a sense-of-Congress resolution whereby we can define our objectives and our goals in South Vietnam and clearly assert what I think is a legitimate congressional prerogative in this area.

Mr. Chairman, my only point is that forum and I feel that that kind of approach is infinitely to be preferred to the efforts being made this afternoon, as sincere and well-intentioned as they are, which have been offered by many of my good friends. Yet I think they would be ineffectual in accomplishing the very purposes they are designed to effect, and to that extent disillusion the public which has already been disillusioned beyond measure with the war in South Vietnam.

So, Mr. Chairman, I would hope we would take up this responsibility at this time in a forum that has been created for that purpose.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the remarks which have been made by the distinguished gentleman from Illinois.

Mr. Chairman, I believe we are all in basic agreement on ending the war at the earliest possible date and now that we have had an opportunity to debate and evaluate the many suggestions that have been advanced, I feel we should reflect on what has taken place here today.

First, I believe these so-called "end the war" amendments and the debate on them here in this body, have served a very useful purpose. Certainly, the question of germaneness has placed a definite limitation on the entire subject matter; suggesting that, in the future, we must identify and utilize the proper forum and the correct vehicle with which to carry out the will of the people with respect to ending the war in Vietnam.

Second, in retrospect, I question if a defense procurement measure is, in fact, the correct vehicle to advance Congressional initiatives in the area of foreign policy. To my memory, no war in history has even been concluded through the passage of legislation and, to my knowledge, there is neither precedent nor provision in the Constitution to do so.

Third, I believe the net result of this particular exercise in the legislative process, is bitter disappointment and

frustation on the part of a great many, sincere and well-meaning people. These so-called "anti-war amendments" have only served to raise false hopes, to deceive, to mislead and I do not think there's any question that they have been greatly misinterpreted here at home, in Vietnam, and throughout the world.

At stake in this entire controversy and still left unresolved, is this basic and underlying question of whether or not the Congress should have or assume greater authority in matters related to ending this war. The Congress can ill afford to ignore this question much longer.

I have always believed that our Founding Fathers realized that foreign relations could not be effectively carried on by the Congress on a day-to-day basis. In addition, it is the contention of a great many Members of this body and a great many people in this country, that when confrontations occur, there can be no doubt that the United States is not powerless to act and will not have to wait for protracted debate in Congress before the vast resources at our disposal will be employed to thwart or respond to an attack.

In contemporary times, particularly since World War II, the Congress has repeatedly gone on record as recognizing that, with the advent of the Atomic Age and the development of nuclear and hydrogen super-weapons, the Legislative Branch of our Federal Government was just not structured to provide the kind of "quick reaction" capability that is absolutely essential in the event of nuclear attack. Such a flexible response, it was argued, could best be rendered by the Commander in Chief if the lives of literally millions of Americans were to be spared.

I state these precedents, not because they apply to the war in Vietnam, but because they are the guidelines under which the Congress is now functioning and because they point up, I believe, the complete inadequacy of those basic guidelines.

The separation of powers enumerated in our Constitution as they apply to war, were intended to deal exclusively with what has become known as conventional warfare. The war in Vietnam, and to a lesser extent the war in Korea, fall in the unconventional or guerrilla war class and thus, I submit, that any attempt to apply the warmaking clause of the Constitution to either the reality of nuclear warfare or unconventional warfare—is as outmoded and obsolete as conventional warfare itself.

What is needed, in my judgment, is not legislation to further inhibit the President's ability and authority to defend us or freedom, but a new, realistic, and clearly understood definition of war and new guidelines for our future security—guidelines which are acceptable to and understood by the Congress, the executive branch and the American people.

In this regard, I believe the Congress has been derelict as have the committees of the Congress having jurisdiction over foreign policy. The Congress has failed, in my judgment, to keep pace with the changing nature of war and threats to our security. And the Foreign Relations Committees have likewise failed to develop any kind of policy guidance to express the sense of the Congress with regard to the Vietnam war.

Such an expression of foreign policy, as I see it, is not only the proper role of the Congress in these matters, but absolutely essential if we are to correctly represent the true feelings of the American people with respect to the Vietnam war.

As a result of the experience of the past few days, I, for one, intend to press for hearings by the respective Foreign Relations Committees from which a clear-cut "Sense of the Congress Resolution" can be developed which provides basic policy guidelines from the Congress with respect to the war in Vietnam.

The Congress has both a duty and the responsibility to convey to the President such policy guidelines which reflect the sentiments of the American people. Thus far, however, it has failed to do so.

Mr. ROBISON of New York. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New York.

Mr. ROBISON of New York. I would like to take the time to respond to the remarks of my good friend, the gentleman from Illinois (Mr. ANDERSON), by saying that I have had one of those "sense-of-Congress" resolutions about ending the war, one which I introduced last year and another which I introduced this year. All they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.

Mr. Chairman, I think it is time, even though this may be a bad vehicle for doing so, to tell the President how some of our constituents feel about this war in Vietnam, and I am doing the very best I can in that regard through the offering of my amendment.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Michigan and the gentleman from Illinois.

Mr. Chairman, I rise in opposition to those amendments which would call for a unilateral withdrawal of our military forces in Vietnam.

Despite the escape clause built into the amendment offered by the gentlemen from Michigan and Ohio (Messrs. NEDZI and WHALEN) to the Military Procurement Authorization bill which would allow for congressional reconsideration of the December 31 withdrawal date, I oppose this amendment. I do so, Mr. Chairman, because I sincerely believe that President Nixon deserves the support of all of us in this body in this final hour of his troop withdrawal policy. In my opinion, a vote for this amendment would be a "no confidence in the President" vote.

Since my election to the 91st Congress—coinciding with the Nixon administration's assumption of governmental leadership in 1969—I have watched the development of the President's troop withdrawal and Vietnamization policies. And, Mr. Chairman, the President has kept every promise that he has made to the American people in his effort to wind down the American involvement in Southeast Asia. I have supported him throughout this 2½-year period and I have no intention of backing down now.

If we take a long-range, hindsight look at what has been accomplished to date and what will be accomplished in Vietnam by the end of this year, it must be obvious to anyone that troop withdrawal is succeeding at an orderly and realistic pace. When President Nixon took office in January 1969, the death casualty rate ranged from 150 to 190 weekly. It is now 25 to 50 weekly. When he was inaugurated there were 532,500 Americans stationed in Vietnam. As of May 1 the authorized troop strength in Vietnam was 284,000. By December 1, 1971, President Nixon has pledged that there will be only 184,000 Americans in Vietnam. If U.S. troop withdrawals continue beyond December 1 at the present pace, we will be down to 55,000 troops by September 1—the figure generally talked about as a "residual force." Possibly withdrawal could be accomplished even earlier since the President has beat every deadline he has set to date.

Although the President has pledged to withdraw all American troops from Vietnam, the question of setting a definite withdrawal date always arises. Despite the escape clause, setting a definite date is essentially what the amendment before us seeks to do. The sponsors and supporters of this amendment seem to believe that setting a date-certain withdrawal deadline will motivate the North Vietnamese to break the negotiation deadlock, to refrain from attacking our withdrawing troops, and to negotiate release of our prisoners of war. If so, they are ignoring the North Vietnamese pattern of operation so far.

Mr. Chairman, I thoroughly disagree with this reasoning on the part of the supporters of this amendment. Setting a date-certain withdrawal deadline will do nothing more than deal the enemy the trump card in this conflict.

Contrary to what the supporters of this amendment claim, naming a date would give the enemy information he would dearly like to have. It would remove any incentive on their part to bargain for the release of American prisoners or to end the war by negotiation. It would allow enemy commanders to attack our remaining forces at their most vulnerable time.

In a recent news article in the Washington Evening Star, Crosby S. Noyes states that the date debate is utter nonsense. He wrote:

> The date debate is nothing but a shocking illustration of the degree to which the confidence of the American people in its leadership has been undermined and eroded—not by anything that this or past presidents have done or said—but by the dedicated efforts of a small group of politicians and pundits who are determined to discredit any president who is unwilling to engineer an American defeat in Vietnam.

An even more important question raised by this amendment than that of a specific pullout date is the congressional curb on the President's power to commit military forces to armed combat which this amendment would impose. In testimony before the Foreign Relations Committee in the other body, Secretary of State William Rogers cited the precedent for presidential use of the Armed

Forces without congressional approval. In the following instances, the power of the Commander in Chief was used without congressional mandate:

President Jefferson's sending of a squadron of ships to protect American vessels from Barbary pirates in 1801;

President Polk's dispatching of American forces into disputed territory near the Rio Grande in 1846;

President McKinley's sending 5,000 troops to China in 1900 to protect Americans and help put down the Boxer Rebellion.

President Theodore Roosevelt's ordering of gunboats to the Canal Zone;

President Truman's commitment of over a quarter of a million men to a war in Korea; President Eisenhower's sending of 14,000 troops into Lebanon in 1958 to protect American lives;

President Kennedy's 1962 quarantine of Cuba.

President Johnson's dispatch of Marines in 1965 to the Dominican Republic to protect the safety of American citizens;

In 1965, when President Johnson began sending American combat troops to Vietnam, he relied as authority for his action on a combination of his own Constitutional authority as Chief Executive and Commander-in-Chief, the Senate's advice and consent to the SEATO treaty, and the authority granted by the Congress in the Tonkin Gulf Resolution. This Resolution was voted for by every Democratic Senator who is now in the Senate and was there in 1964.

Mr. Chairman, I know the American people are tired of the Vietnam war and our involvement with it. We all want to end the American involvement—all of us—the President, who inherited the war, and you and I and all of our colleagues in this Chamber. But it is my feeling, and it is the feeling of the majority of my constituents in Maryland's Fifth Congressional District that the President's policy is the only orderly, viable, and realistic way to achieve our withdrawal.

On this point, I would like to interject the results of a poll which I recently conducted among all my constituents. In a questionnaire sent to nearly 220,000 dwellings in my congressional district, 62.5 percent of the respondents indicated that they were satisfied with President Nixon's policy of troop withdrawal and Vietnamization of the war effort. Significantly, this is an increase from the 59 percent who responded favorably to a similar query in my November 1969 poll.

Finally, Mr. Chairman, while I cannot, in good conscience, support the precipitous withdrawal of American troops advocated in this amendment, I will give my support to a resolution offered by our colleague from Illinois (Mr. McCLORY) which would establish a fixed date for the withdrawal of all foreign military forces from Vietnam—including the military forces of North Vietnam.

This resolution I do not think would be in conflict with the goals and aims of the administration for establishing a just and honest peace. Under the provisions of this resolution, November 30, 1971, would be designated as the date on which the Government of North Vietnam and all other governments with military forces in South Vietnam would commit themselves to withdrawal from that beleaguered country. This withdrawal would be supervised by a United Nations Military Observer Group.

Prior to the fixed withdrawal date, this resolution calls for a total cease-fire by August 15, 1971, and an exchange of all prisoners of war by September 1, 1971—also subject to United Nations supervision.

Mr. Chairman, while I could support this proposed resolution, I cannot, in good conscience, support the amendments we are considering today. Therefore, Mr. Chairman, I urge the defeat of the amendment offered by the gentlemen from Michigan and Ohio (Messrs. NEDZI and WHALEN) and similar amendments which call for a unilateral withdrawal of our troops by a certain date.

Mr. DENNIS. Mr. Chairman, since I am on my feet, I would like to say that the trouble with all these amendments is, as has been pointed out several times, first, that they do not really accomplish anything at all. Second, if we want to talk about the war powers of the President, and the war powers of the Congress, as I said here to the House yesterday afternoon, the time and place to do that is in a serious discussion of a measure on that subject, and in full conference with plenty of time to devote to the question, and not try to do it here by a meaningless amendment on an authorization bill.

There is nothing to these amendments, except some possible political advantage, and I want to record my opposition to them.

Mr. DOWNING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I thank the gentleman from Virginia for yielding.

I would like to say that I want to associate myself with the position that is about to be stated by the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, several months ago I came to the firm conclusion that our men should be withdrawn from South Vietnam as soon as possible. I concluded that the United States has fulfilled all of its commitments and obligations to that country, and that we could leave with honor.

Now, I do not intend to prejudge the rightness or wrongness of our participation in Southeast Asia. Only history can be the true judge of this. I have never said that the great sacrifices that were made to sustain South Vietnam as a free country were in vain.

Recently I spoke to the World Affairs Forum in Hampton, Va. During the course of that speech I said that:

As a Member of Congress I have supported the last four Presidents in their foreign policy because I considered myself a loyal American, duty bound to support my Commander-in-Chief, as most Americans have and should.

I supported the President's move into Cambodia because he assured me, and I believed, that it would minimize the attacks on American troops from those sanctuaries and reduce American casualties. Hindsight and statistics have proven this to be true.

I approved the decision to allow South Vietnamese troops—and South Vietnamese troops only—to cross the Laotian border and cut the Ho Chi Minh supply trail. With the old Port of Sihanoukville closed, these complex trails were the enemy's main pipeline of troops and weapons from north to south. If the ARVN can accomplish this mission and hold until the rainy season closes the paths to everybody, we should be free to bring our men home posthaste.

We have been in South Vietnam for 17 long, painful years. We have paid the price in lives and money to enable these people to defend themselves, if they have the will to defend themselves. They have the resources. If they lack the determination to defend their borders with their own people, our withdrawal should not blemish our conscience or abrogate our treaties.

Today I am told the Vietnamese have a regular army of over 1.2 million men. In addition, they have over 500,000 irregulars who can be called upon. They are armed with the finest weapons of war that this country can produce. They have received every technical and military advice that they can absorb. President Thieu, himself, has said they are willing and ready to defend themselves. Much of the civilian population has denounced our presence. Clearly, the time has come to leave that country.

I have supported President Nixon in the past, and I support him now. I would not give this amendment one bit of attention had not the sponsors included a provision in it which would give the President sufficient leeway to take reasonable action if it be needed.

I am going to vote for the amendment, not because I think it will end the war, because certainly it will not. I am going to vote for the amendment because I believe the President needs to heed the advice of millions of agonized Americans.

And then, too, I am sincerely concerned that the present administration has no clear-cut policy as to how to end the war, and at the same time bring about the release of our prisoners of war. Indeed, just recently Secretary of State Rogers in trying to respond on the vagueness of our future Vietnam policy, stated:

The reason we are not telling exactly what is going to happen in the future is that we do not know exactly.

I believe that this is an honest statement by the Secretary, a statement which tends to firm up my opinion that the hawks, of which I am one, have flown into a fog.

With some misgiving, therefore, I intend to cast my vote for the Nedzi-Whalen amendment.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment, and I would like to take a moment to address the House on a subject of concern and anguish to the American people. We have all heard the arguments generated on both sides of the Vietnam war issue. We have all sorrowed over the thousands of Americans and Vietnamese who have lost their lives in this 11-year conflict. We have all been horrified by the billions of dollars spent on the war effort. And, we have been outraged by a no-win policy that has been implemented by three Presidents of both parties.

I have not risen today to belabor any of these points. Each of us knows only too well the terrible toll exacted from America by the war, whether our point of view be personal, economic, political, or any other or any combination thereof.

I rise today instead to say that the American people have suffered enough. Contrary to constitutional intent, the American people have not formulated American policy in Vietnam. They have not been consulted, they have not been listened to, they have only been permitted the right to furnish sons to die. In the 1950's, when public sentiment was opposed to involvement in Vietnam, the administration ran roughshod over the people. In the early 1960's, with Americans of all persuasions clamoring for a hard-line military victory, the administration again turned a deaf ear, cut back the bombing, and severely limited the war effort. Now, in the beginning of another decade, Americans have been made beggars for peace, and the administration is throwing them Vietnamized bones.

Mr. Chairman, I do not want to see the South Vietnamese people victimized. I am not one of those who stands beneath the Vietcong flag with a clenched fist. I believe in freedom and liberty for all people, and I have always acted accordingly. But neither do I believe in a war that has been used to promote political advantage for our Presidents, a war that has been fired up or wound down to suit the political climates or our election years. Our soldiers have not been fighting for the future of a little piece of earth 10,000 miles away. They have been dying for the political futures of our Presidents, and it is time that we told this story the way it truly is. Where is the freedom of choice of the American people?

Thousands of people have spoken thousands of words on the subject of the Vietnam was. I am only one Congressman, only one citizen of this country, but I am anxious that these few words I speak will not be lost in the multitude of syllables uttered in this crisis. Because, Mr. Speaker, I love this country. I love its spirits, its grandeur, its wisdom, and its youth. I love the American people, and their sense of fairness and justice. Unlike many of America's critics, I love what America is, not just what it can become. I believe in America, and I believe we have done a good job for a nation that is not yet 200 years old.

It is because I love this country, Mr. Chairman that I rise to speak in behalf of an immediate withdrawal of our troops from Southeast Asia. It is because I love America, that I plead for her citizens to be heard. I do not like to see us fight a war in behalf of the right of another people to enjoy freedom and liberty, only to have America lose these same blessings at home. For these reasons, Mr. Chairman, I respectfully ask that my colleagues give their support to the amendment now under consideration.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Nedzi-Whalen amendment.

Mr. Chairman, the distinguished Chairman of the Committee on Armed Services read a letter from the Secretary of Defense earlier in the debate. I would like to read another letter on the other side from somebody you never heard of, a fellow by the name of Joe Hamus. He is not the Secretary of Defense; he is a retired 69-year-old member of the Wood County Draft Board. Wood County is the home county of our present Secretary of Defense, Mel Laird, the man whom I succeeded in the Congress.

Last month, after serving as a member of that draft board since September of 1963, Joe Hamus resigned. In this letter of resignation he said:

> Draftees are still going to Vietnam to replace some of those returning. I find that I can no longer, in good conscience, participate in classifying another man in Class 1A while the situation in Vietnam remains in its present or comparable stage. I feel that I cannot ask of another what I would not willingly do myself. . . .
>
> I believe it best for both myself and the good of the Service, that I tender my resignation as of today.

Mr. Chairman, Joe Hamus is not a wild peacenik. He is not an agitator. He is not a violent dissident. He is rather a respected member of his community and a very thoughtful man.

It has been said that this amendment will not stop the war. Well, Mr. Hamus' resigning will not stop the war. It did not end the sending of draftees to Vietnam. It was largely a symbolic gesture but his gesture and the actions of thousands of people like him across this country are causing an awakening of conscience and causing a reexamination of our Vietnam policy by the American public and the people who serve that public. I think his action explains in a small way why it is necessary for those of us in the House who share his concern over present Vietnam policy to lend our support to amendments such as this.

That is why I support the Nedzi-Whalen amendment.

Mr. Chairman, this amendment will not by itself stop the war. It does not in and of itself require the withdrawal of troops from Vietnam by any date certain.

It does say, however, that no new funds may be expended after December 31, 1971, for the purchase of certain military equipment for use in Vietnam.

If passed, this amendment in my judgment could logically lead to other decisions to withdraw our participation in that war.

And most importantly, this amendment like the letter of Joe Hamus is symbolic. This amendment above all seeks to restore a spirit of cooperative responsibility between the Congress and the Presidency.

The Presidency has had to bear for all too long, in my judgment, the full burden of the conduct of this war. That in the long run is not good for the Presidency. It is not good for the Congress, and it most certainly is not good for the American people.

I think if you vote for this amendment today, you will not be voting to stop the killing, but you will be helping in at least a small way to bring about the day when we can.

I hope you support the Nedzi amendment.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman.

Mr. CAREY of New York. Mr. Chairman, when we ignore the clear will of the American people, there is no question that there is political risk, but when we do so in a matter of national security, we do so at even greater peril in conducting a war in a foreign land. I do not know of any war that was ever prosecuted by any nation where the majority of the people of that nation no longer believed in the prosecution of that war. We have a clear indication before us in terms of popular support now that the American people, if they had a chance to vote or had a referendum today, would not support this war beyond December 31, 1971, or beyond any date they could select as their own reasoned choice.

If we consider the population in each State voting for itself in a recent test that was held in a body not far from here, you will find that those who voted for an amendment that would end the war on December 31—who represented the entire population of their own States—voted in numbers of 64,536,573 in favor of a date certain to end the war and only 60,298,527 in favor of continuing the present policy despite the head count of the vote which was 55–42 against—against—I repeat the will of the population.

Mr. Chairman, if the people could decide, this amendment would pass on a referendum by over 3 million votes.

I submit the tabular population vote of the other body as though it were cast by the people themselves for the information of the Members.

IF THE PEOPLE COULD VOTE

If a national referendum were held on the war, most polls indicate that a majority of the people would support setting a firm withdrawal date—as soon as possible. Most of the indices bear out this contention.

Now we have another, yet more explicit, indication of the popular will, as demonstrated by representatives of the people voting in the U.S. Senate.

Looking at the population of the States in which both Senators voted for the McGovern-Hatfield amendment, we find that Senators representing 64,536,573 people voted for the amendment, as follows:

TABLE I

Both Senators voting for McGovern-Hatfield (total 42)

State:	*Population*
California	19,715,490
Illinois	10,977,908
Indiana	5,143,422
Massachusetts	5,630,224
Minnesota	3,767,975
Missouri	4,636,247
Montana	682,183
New Jersey	7,084,992
New Mexico	998,257
North Dakota	610,648
Rhode Island	922,461
Wisconsin	4,366,766
Total	64,536,573

Yet when we look at the population of the States in which both Senators voted against the McGovern-Hatfield amendment, we find that Senators representing 60,298,527 people voted against the amendment as follows:

TABLE II

Both Senators voting against McGovern-Hatfield (total 55)

State:	Population
Alabama	3,373,000
Arizona	1,752,122
Colorado	2,178,176
Delaware	542,979
Georgia	4,492,038
Kansas	2,222,173
Kentucky	3,160,555
Louisiana	3,564,310
Mississippi	2,158,872
Nebraska	1,468,101
Nevada	481,893
Ohio	10,542,030
South Carolina	2,522,888
Tennessee	3,838,777
Texas	10,989,123
Vermont	437,744
Virginia	4,543,249
West Virginia	1,701,913
Wyoming	328,591
Total	60,298,527

In these States in which there was a split in the voting—table III—a "State weight" has been used to determine whether the State's population leaned more heavily in favor of one Senator versus another. The "State weight" was obtained by calculating the percentage of the vote received by each of the Senators in the most recent election, and placing the State in the column of the vote cast by the Senator receiving the greater percentage of the vote. (See table IV.)

Adjusted for McGovern-Hatfield

Connecticut	2,987,950
Florida	6,671,162
Hawaii	748,575
Idaho	698,275
Maine	977,260
Michigan	8,778,187
New York	17,979,712
Oklahoma	2,498,378
Oregon	2,056,171
Pennsylvania	11,669,565
Utah	1,060,631
Total	56,125,866

Adjusted against McGovern-Hatfield

Alaska	294,607
Arkansas	1,886,210
Iowa	2,789,893
Maryland	3,874,642
New Hampshire	722,753
North Carolina	4,961,832
South Dakota	661,406
Washington	3,352,892
Total	18,544,235

The total of the "adjusted States" and those States which had both Senators voting for the amendment is 120,662,439.

The total of the "adjusted States" and those States which had both Senators voting against the emendment is 78,842,-756.

One might ask, "What effect might the voting in the Senate have in the House, which had the opportunity to vote on the Nedzi-Whalen amendment?" As the Nedzi-Whalen amendment was defeated by a vote of 256 to 158, one could argue that the House is 10 years out of step with the American people.

Since we reflect the 1960 census—or some more anterior age, but certainly not the mood and meaning of our masses in the country today.

TABLE III

States with split votes

State:	Population
Alaska	294,607
Arkansas	1,886,210
Connecticut	2,987,950
Florida	6,671,162
Hawaii	748,575
Idaho	698,275
Iowa	2,789,893
Maine	977,260
Maryland	3,874,642
Michigan	8,778,187
New Hampshire	722,753
New York	17,979,712
North Carolina	4,961,832
Oklahoma	2,498,378
Oregon	2,056,171
Pennsylvania	11,669,565
South Dakota	661,406
Utah	1,060,631
Washington	3,352,892
Total	74,670,100

TABLE IV.—PERCENTAGE

	Percent	Year
Alaska:		
Stevens (no)	59.6	[1] 1970
Gravel (yes)	45.1	[2] 1968
Arkansas:		
Fulbright (yes)	59.1	1968
McClellan (no)	unopposed	1966
Connecticut:		
Weicker (no)	41.7	1970
Ribicoff (yes)	54.3	1968
Florida:		
Chiles (yes)	53.9	1970
Gurney (no)	55.9	1968
Hawaii:		
Fong (no)	51.6	1970
Inouye (yes)	83.4	1968
Idaho:		
Church (yes)	60.3	1968
Jordan (no)	55.4	1966
Iowa:		
Hughes (yes)	50.2	1968
Miller (no)	60.9	1966
Maine:		
Muskie (yes)	61.7	1970
Smith (no)	58.9	1966
Maryland:		
Beall (no)	50.7	1970
Mathias (yes)	47.8	1968
Michigan:		
Hart (yes)	66.8	1970
Griffin (no)	55.9	1966
New Hampshire:		
Cotton (no)	59.3	1968
McIntyre (yes)	54.1	1966
New York:		
Buckley (no)	37.2	1970
Javits (yes)	49.7	1968
North Carolina:		
Ervin (no)	60.6	1968
Jordan (yes)	55.6	1966
Oklahoma:		
Bellmon (no)	51.7	1968
Harris (yes)	53.7	1966
Oregon:		
Packwood (no)	50.2	1968
Hatfield (yes)	51.8	1966
Pennsylvania:		
Scott (no)	51.4	1970
Schweiker (yes)	51.9	1968
South Dakota:		
McGovern (yes)	56.8	1968
Mundt (no)	66.3	1966
Utah:		
Moss (yes)	56.2	1970
Bennett (no)	53.7	1968
Washington:		
Jackson (no)	82.4	1970
Magnuson (yes)	64.4	1968

[1] Election.
[2] 3 party candidates.

Mr. OBEY. I could not agree with the gentleman more.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Delaware is recognized.

Mr. DU PONT. Mr. Chairman, we have heard many arguments on both sides of the issue covering withdrawal from South Vietnam. The setting of a fixed date for ending our participation has received particular attention. The Nedzi-Whalen amendment purports to set such a fixed date. It does not do so.

I do not happen to favor the fixed date concept because it would undermine our negotiating position, and give unnecessary military advantage to the other side. Further, it seems unnecessary to tie the hands of an administration that has already reduced our participation in the war by more than 50 percent and is publicly committed to total withdrawal.

Regardless of one's position on the question of a fixed date, I believe this amendment should be voted down. The reason is fundamental: The American public believes that this amendment will stop the war by December 31, 1971. It will not, and therefore, is deceptive.

As one of the sponsors of the amendment the gentleman from Ohio, admitted on the floor 2 days ago—

> . . . There has been a misunderstanding to the effect that the passage of this amendment will remove troops from South Vietnam after December 31 of this year. This it will not do.

Yesterday's Washington Post carried a lead editorial making the same point.

Every Member of this body is aware that there exists today a serious "credibility gap concerning the war in South East Asia. The events of the past few days concerning our build-up in 1964 and 1965 may have taken us past the point where the American people will ever believe their elected representatives on this issue. The adoption of this amendment will only further polarize the country, because every Member here knows that when December 31, 1971, arrives, we will still be in South Vietnam. I fear then that the millions of Americans who believed this amendment was going to end the war will feel that they have been misled by false promises once again.

The amendment in no way affects deployment of U.S. forces in Southeast Asia, since it is attached to a military hardware procurement bill. Further, it is so riddled with qualifications and exceptions that it is ineffective even in its limited scope. The exceptions swallow the whole.

Could the bombing of Laos, Cambodia, or South Vietnam be increased under this amendment? Yes.

Could a strategy of fortified hamlets be reinstituted, under which U.S. troops could be sent to strategically located hamlets to defend South Vietnamese civilians? Yes.

Could a large contingent of U.S. combat forces remain in Southeast Asia indefinately under this amendment Again the answer is "Yes."

To enact legislation that purports to set a deadline for withdrawal, but does not do so, is wrong. To intentionally deceive the American people—who sincerely do believe that this amendment will end the war—is irresponsible.

I urge the amendment's defeat.

Mr. PIRNIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are important reasons why the Nedzi-Whalen amendment should not receive the support of the Congress.

It can have a number of negative psychological effects: First, It could undermine the efforts of the President to bring about a just and lasting peace in Southeast Asia; second, it could weaken the will of the people of South Vietnam at a time when they are putting forth increased efforts in assuming a larger share of the war's burden.

The record of the Nixon administration in reducing our troop strength in Southeast Asia is one which should lead us to fully support the President when he said as he did on April 7 of this year:

As you can see from the progress we have made to date and by this announcement tonight, the American involvement in Vietnam is coming to an end. The day the South Vietnamese can take over their own defense is in sight. Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary.

The proposed amendment would establish a formal and fixed timetable for U.S. troop reductions in Vietnam. It seems to me the authors of this amendment have forgotten that as early as May 14, 1969, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. Unilateral action by the United States is not the way to set a fixed timetable.

Hope of progress in the Paris talks would evaporate. Put yourself in the position of the Communist negotiators. Knowing that American troops will be removed by a certain day, they will be even more inclined than at present to yield nothing and more encouraged to wait us out. In this regard it is helpful to review President Nixon's remarks in his February report to Congress on foreign policy:

Since 1968 the US has done almost everything that various parties—including Hanoi—told us would kindle negotiations. We halted the bombing and other acts of force against North Vietnam. We agreed to NLF participation in the Paris talks. We agreed to the principle of withdrawal and made substantial withdrawals, soon to total 265,000. We agreed in principle to remove all our troops. We took a series of de-escalatory steps, such as cutting back our B-52 and tactical air sorties. And we appointed a new senior negotiator in Paris.

These steps, except for the bombing halt, were unilateral measures, designed not only to reduce our involvement, but also to open the door to negotiations. Each of them was urged by the other side as a constructive contribution. None of them has generated movement by the other side.

If North Vietnam wished to cooperate in the cause of peace it could agree to our proposal of immediate ceasefire. Why do not the proponents of this amendment condemn this refusal to act. This amendment can only serve to undermine the efforts of the President to bring about a just and lasting peace in Southeast Asia.

Mr. FLYNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is never an easy decision to take a position and to vote against the recommendations of the House Committee on Armed Services.

In voting for the Nedzi-Whalen amendment I do so because I feel it is necessary to express in perhaps the best way we have our opposition to a prolongation, perhaps an indefinite prolongation, of the wrong war in the wrong place at the wrong time.

Many of us voted for the Gulf of Tonkin resolution because we believed what we were told at that time. We believed that we were being told the truth when we were informed by high officials in the U.S. Government that two American naval vessels had been attacked. Today there seems to be overwhelming evidence that those vessels were not attacked.

I believe everyone agrees that the Gulf of Tonkin resolution gave legal and constitutional authorization for a massive build-up of U.S. military forces in Vietnam and the prosecution of what we refer to as the Vietnam or Indochina war.

That legal and constitutional authority vanished totally when the Gulf of Tonkin resolution was repealed by congressional mandate and signed by the President in the closing days of the 91st Congress. So the question arises, under what authority are we there now? As I construe it, we are there solely under the authority that the President has as Commander in Chief.

Mr. Chairman, there have been many statements made during this debate that this amendment would undermine the constitutional authority of the President as Commander in Chief. With that contention I totally disagree. In fact, as I read subsection (c) of this amendment, it reads very clearly. It says:

This section shall not be construed to affect the constitutional power of the President as Commander in Chief.

Implied in this amendment is a statement that the Congress of the United States no longer supports a prosecution of the war in Vietnam. The effect of this amendment as it is worded is more symbolic than pragmatic.

For many years I thought that at least two Presidents wanted a declaration by the Congress that Congress and the American people wanted this war ended. I believe, Mr. Chairman, that the Nedzi-Whalen amendment will give such a declaration of policy by the Congress to the executive branch that this Congress and this country want this war ended at the earliest possible time.

I, for one, think that the time allowed in this amendment is sufficient time to provide for the orderly and expeditious withdrawal of American forces from Vietnam which the President has stated he desires.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. HALL. Mr. Chairman, I object.

PREFERENTIAL MOTION OFFERED BY MR. FLYNT

Mr. FLYNT. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. FLYNT moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. FLYNT. Mr. Chairman, if the objection had not been lodged to my unanimous consent request, the gentleman who made the objection might have gained 2 minutes. In fact, I think I can finish in 3 minutes, but I must say that along with, I know, several of my colleagues, we resent the lack of opportunity for House Members who are not members of the Committee on Armed Services to be allowed to speak to this bill and to this amendment. If I could have been recognized by the Chair at the conclusion of the remarks of the author of this amendment, the gentleman from Michigan, I would have yielded to him my 5 minutes and would have foregone the time which I have taken.

Mr. Chairman, let me say that I do not in any way consider this amendment as tying the hands of the President.

I certainly do not consider my vote a vote to tie the hands of the President. I know that some will say that that is exactly what I and others who support this amendment are trying to do. But I wish those who are nodding their heads and indicating that is the way they feel would accord to us who support the amendment the same integrity of purpose that we accorded to those who oppose it.

Mr. Chairman, I regret very much that anyone would see fit to attack the sincerity of purpose of the two authors of this amendment, the gentleman from Michigan and the gentleman from Ohio, or of any of the rest of us who see fit to support it.

I have always believed, Mr. Chairman, that an honest and honorable difference of opinion sharpens the intellect of all those who participate.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from Illinois.

Mr. FINDLEY. The gentleman made a very perceptive comment, I think, about the constitutional powers involved here. Now that the Gulf of Tonkin resolution has been repealed and is no longer on the statute books, what authority does the Commander in Chief, does the President, have to stay in Vietnam? Is it not limited to the safety of the forces remaining there?

Mr. FLYNT. I think it is limited to the safe protection, and I might say, the safe and orderly withdrawal of those troops who remain. I just happen to believe that safe, orderly and expeditious withdrawal can be accomplished within the time specified in this amendment.

This amendment, if adopted, could in no way be construed as an expression of no confidence in the President. I think the President knows that this country and this Congress has confidence in him. I know I have supported him publicly and privately in conversations and in public speeches every time I have had the opportunity, because I believe his purpose in seeking to accomplish an expeditious and orderly withdrawal is exactly the same purpose which I have and the same purpose which all of us who are going to vote for this amendment have.

Mr. Chairman, with regard to the prisoners of war, I yield to no Member of this House in my desire that those honorable Americans be immediately released and returned to our homeland and to their families.

I somehow feel—and I hope that I am correct—that the language of this amendment might help to expedite, if adopted, the return of those honorable Americans who are now held in prisoner of war camps.

With regard to the negotiations going on in Paris, I have said before, and I say again, that I believe those negotiations are a farce at best and a fraud at worst.

Mr. Chairman, when the Secretary of State in testifying in 1969 before the Senate Committee on Foreign Relations stated that it was not the purpose of the new administration to achieve a military victory, there remained no reason whatsoever for the North Vietnamese and the Vietcong to negotiate on anything.

Once having adopted the policy of no-win, a reason to sacrifice the lives of our American manhood vanished.

This most tragic mistake in the history of the United States must be admitted and this road to destruction must be corrected without further delay.

Therefore, Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. ARENDS) rise?

Mr. ARENDS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I know that the chairman of the Committee on Armed Services finds himself in a difficult position in view of his statement earlier today that he had no intention to attempt to close off debate. However, I notice by the clock that we have been debating and discussing this amendment for 2 hours and 10 minutes. I would like to find, if possible, whether or not there could be some agreement as to a time limitation on the Robison of New York amendment, but not the other amendment.

Mr. Chairman, I ask unanimous consent that all time on the Robison amendment be limited to 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. RIEGLE. Mr. Chairman, I object.

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, there have been many assertions here on the floor with reference to what the American people think, and I have here in my hand the complete Opinion Research Corp. poll of Princeton, N.J., as of May 8, which is barely 5 weeks ago. This complete poll shows false any impression that 73 percent of the people want our troops out of Vietnam regardless of the consequences.

Well, let me read to you what this poll says:

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

Here are some of the results of that survey:

This is a complete survey, not merely on the question of what some of them have been talking about here. Here it is:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. *Well over half* the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. *By almost seven to one,* Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support *almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.*

Now, Mr. Chairman, I plan to insert at the proper time this entire poll, and the poll will not show what has been put in the newspapers all over this land: that 73 percent of the people want our troops out of Vietnam by December 31. That was only a part of the poll. As I say, I am inserting the whole poll which gives the idea of whether or not they support the President, and they do, by 72 percent in this poll. The American people will support almost any plan to end the war, but they will not support two things: First is if there is going to be danger to the prisoners of war not getting back home, and, second, the possibility of a Communist takeover.

I wish that I had this material yesterday so that I could have inserted it in the RECORD so that all of my colleagues could have read it today, because I believe that they are entitled to have the whole truth, and not just a part of the truth.

The material referred to follows:

OPINION RESEARCH CORP.,
Washington, D.C.

DO THE PEOPLE REALLY FAVOR IMMEDIATE WITHDRAWAL FROM VIETNAM?

PRINCETON, N.J.—The Public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but *not* if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

72% of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18% who do not support his plan and 10% who have no opinion. At the same time, 68% of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20% opposed this move and 12% have no opinion.

However, when various possible consequences of quick withdrawal are tested, the public is against withdrawal of all U.S. troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year *if it means a Communist take over of South Vietnam,* 55% said no, 29% said yes, and 16% had no opinion. Also an overwhelming majority, 75%, would not favor withdrawal by the end of 1971 *if it threatened the lives or safety of the United States POW's held by North Vietnam.*

PULL-OUT POLL MISLEADING

The recent highly publicized and widely misinterpreted national opinion poll—showing that 73 percent of all Americans wanted a Congressional vote to bring home all U.S. troops from Vietnam before the end of this year—turns out to be false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

1. By an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

2. Support for the proposed Congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a communist take-over.

3. Well over half the American people oppose a December 31, 1971 deadline for withdrawal, if that withdrawal means a Communist take-over of South Vietnam.

4. By almost seven to one, Americans oppose any year-end withdrawal that threatens the lives or safety of American prisoners of war.

5. The earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist take-over.

11% of those polled would favor such a withdrawal and 14% had no opinion.

The results of this survey were obtained by nation wide telephone interviews conducted among 1,026 persons age 18 and over during the period of May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"
Yes, 72; No, 18; and No opinion, 10.
2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"
Yes, 68; No, 20; and No opinion, 12.
3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over in South Vietnam?"
Yes, 29; No, 55; and No opinion, 16.
4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"
Yes, 11; No, 75; and No opinion, 14.

The CHAIRMAN. The question is on the motion offered by the gentleman from Georgia (Mr. FLYNT).

The motion was rejected.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose both of the amendments.

Mr. Chairman, despite being a member of the Committee on Armed Services, I hesitated to take up this additional time so that Members who are senior to me would be able to make the arguments they desire to make for your consideration. However, some of the arguments that have been made, by admission of the proponents, have not had a great deal to do with the amendments themselves. I think there are a few pertinent arguments that should have been made that have not been made, and I think it is my duty to do just that.

Mr. WHALEN has told us that this amendment does not take us out of Vietnam by December 31, or any other fixed date.

He has told us that the money or ammunition, guns, or planes would not be denied for use in Vietnam or Cambodia or over Laos.

Mr. NEDZI said that it does not mandate a withdrawal and another of our colleagues said the amendments are feeble and as wide as a barn door and obscure.

The gentleman from Illinois (Mr. PUCINSKI) 2 days ago really helped us focus just exactly what the question is here and I wish to express it to you, when he said:

> The gentleman says the only meaning that this amendment has is that it is going to give a signal of the American people's intentions. A signal to whom? A signal of what? Who is the signal going to be received by?

The gentleman from Ohio (Mr. WHALEN) responded:

> I think certainly we are signaling to the executive branch of the government our desire and our concern.

I would submit for your very respectful consideration that this resolution, this amendment, and others like it have done not what they have been held out to the American people that they would do; that being to end the war. But, in fact, they have been feeding ambiguous facts and statements for the Communists to use in their propaganda machine not only in Vietnam but throughout the world.

If you would just read some of the minutes of the negotiations in Paris, you would find there the words of the Communists quoting—yes—quoting statements of people who are Members of this Congress and, in fact, leaders in our Government or so-called leaders in our Government, and quoting editorials from some of our free press and, in fact, using that to tell the people of the world how immoral we are as Americans.

I rise emphatically today, because I do not believe that the United States is an immoral nation. I do not believe Americans are immoral people. I do believe that we are a nation under God. I believe we are a united nation despite statements to the contrary by some of the people who would have you support this amendment.

I would suggest that you consider seriously the very important action we take here today if we were to submit to this—and I am sure we will not—but were we to adopt this amendment. We would in fact be providing more ammunition to the Communist propaganda machine and we would be providing more propaganda material for radio Hanoi to beam to our troops in Vietnam.

As a member of the Armed Services Committee of this House, I have been to Vietnam and I have heard radio Hanoi propaganda quoting words and deeds of Members of the Congress and others as they attempt to downgrade and demoralize our American soldiers over there.

I say to you, ladies and gentlemen, it is time that we stop applying the pressure upon the leaders of our Government. It is time we stop trying to give President Nixon—or whoever the President of this great Nation might be—stop trying to give him a message. I say it is time to apply a little bit of that same pressure to the Communists—to the enemy. Let us give them a message, and by a resounding "no" vote on the Nedzi-Whalen amendment today, my distinguished colleagues, let us tell the Communists—let us tell the enemy—let us tell the aggressor—that we are not going to hand them victory on a silver platter.

Mr. Chairman, I close by quoting one of our other colleagues today who told you—and these are his words—"Do not bow down to the President of the United States."

I would add to that, my distinguished colleagues: Let us not bow down to the enemy of the United States. Let us apply the pressure where it belongs. Let us give the message to the right people. Let us give a real resounding "no" vote to this amendment today.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Nedzi-Whalen amendment has been characterized by some very eloquent speakers this afternoon as meaningless and as accomplishing nothing. Well, I would suggest that if it is meaningless and if it accomplishes nothing, it still has attracted some very vigorous opposition, indeed, not only in this body but from outside this body.

Mr. Chairman, I would like to address a few remarks to those of the Members who may not have made up their minds on this amendment.

What this amendment really means, aside from all the detail and aside from all the specifics, is the proposition that a December 31, 1971, date should be set for an end to active American involvement in the Vietnam war, the date to be set by the Congress or set by the President.

As a number of speakers have suggested, a heavy vote for this amendment would be a clear indication to the President that there is a lot of sentiment here in the House that a termination date should be set for American involvement in Vietnam.

What would the setting of such a date accomplish? What would it do?

First of all, it would provide an opportunity to negotiate for the release of our American prisoners of war. Members of this body have received information that would be indicating that the prisoners would be released if the date was set.

The fact can be tested if a date is set. If we start now on negotiations for the release of the prisoners, we are starting with some 250,000 troops in Vietnam. The President's proposal apparently is to go on withdrawing troops until we have only 50,000 or less in Vietnam and then seek to use those troops as a bargaining chip for releasing the prisoners. Surely this is topsy-turvy reasoning. I would submit to you that, if the President were really focusing on the question of the release of the prisoners, he would indeed set a date, because he would have nothing to lose by that procedure and everything to gain.

I suggest that the real reason the President does not want to set a date is because his objective is to preserve the present Government of South Vietnam, the Thieu-Ky government. But I wonder how many Members of the House want this country to go on making the sacrifices we are making, with all the costs that this war entails, to keep a government of that nature in office in Saigon.

The setting of a date, whether by the Congress or by the President, would put pressure that has never up to now existed on the Saigon government to make a reasonable negotiation settlement. They have never had any interest in negotiations, because the United States was backing them and prepared seemingly to back them indefinitely. If the date for U.S. withdrawal were known, the Thieu-Ky government would have to be more realistic about making a compromise settlement, or else the Thieu-Ky government would fall and be replaced by a government prepared to reach a peaceful settlement.

It is not true, as the President has suggested, that there has been no progress in negotiations. There is one main issue that separates the two sides in Paris today and that is the issue of what the interim government will be in Vietnam pending elections. Everybody is agreed on elections. Everybody is agreed on international supervision. The real

crux of the issue is what kind of government will be in power when those elections take place. The President's position is that that must be the Thieu-Ky government. That is essentially what American boys are still being asked to die about.

Mr. Chairman, a date must be set. A heavy vote for the amendment will indicate that those who support the amendment want to see a date set. Voting for this amendment is not going to force the end of the war. I wish it would. But this amendment will not do that. But it will give us an opportunity to indicate where we stand on the issue of setting a date for the termination of this war.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Indiana.

Mr. DENNIS. If merely setting a withdrawal date would return the prisoners of war, does not the gentleman think the enemy would simply say so, out loud and publicly?

Mr. BINGHAM. The setting of a withdrawal date would give us an opportunity for negotiating the release of the prisoners of war. As far as I am concerned, the troops would not be withdrawn unless the prisoners are released, and we cannot test the good faith of North Vietnam on this subject unless we set a date. The President steadfastly refuses to set a date.

Mr. DENNIS. What I suggest to the gentleman is that if it is the enemy's position that merely by setting a date we would get the prisoners of war, all the enemy would have to do would be to say so. But in truth and in fact they want other things. They want a coalition government. They want a Communist takeover.

Mr. BINGHAM. I cannot yield further. It is still my time. That may be the gentleman's opinion, but we will not be able to tell whether the gentleman's opinion is correct or whether the opinion of Mr. LEGGETT and others who have talked with North Vietnamese is correct unless we try; and unless we set a date, we will never know.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BOLAND. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Our harrowing decade in Vietnam makes one thing plain: A military victory there, the goal that has beset and bedeviled the Pentagon since the early 1960's, is nothing short of an illusion. Further military action would be fruitless, plunging us still deeper into a war that now engulfs virtually all of Southeast Asia.

The United States has already paid dearly for what the State Department likes to call our "commitment" to South Vietnam—more than 50,000 American soldiers killed and more than $250 billion squandered. Draining our resources and dividing our people, this war is now little more than an exercise in futility. A negotiated political settlement is the only way—quite literally, the only way—to stop the bloodshed. The concept of victory, always suspect, is now absurd And the peace movement, once considered the worst kind of villainy, is now a powerful and prestigious force in American life. Even the most ardent advocates of the war have long since abandoned it. Who hears of "hawks" any more?

The events of the past several years have shaken the American people out of their weary apathy. Public opinion polls—poll after poll, year after year—show that the vast majority of Americans want our troops to quit Vietnam.

Our commitment to that country—if, indeed, anything even distantly akin to a binding commitment ever existed—has been fulfilled.

If South Vietnam is not yet ready to defend itself, it never will be.

The time to get out is now.

How much more can we endure, after all?

How many more planeloads of coffins, how many more mutilated and lamed soldiers, how many more heroin addictions, how many more Mylais, how many more plundered cities and burned villages?

A hastened withdrawal schedule—together with what the press terms a "date certain" for total withdrawal—would help to yield a political settlement and help to free our POW's in North Vietnam.

At the very least, it would help stop the mindless slaughter of a whole generation of America's young men.

Clearly, Mr. Chairman, the Nedzi-Whalen amendment would help achieve this goal.

I urge its passage.

A James Reston column, published in the New York Times of June 16, 1971, discusses this country's role in Southeast Asia and the public's right to know about it.

Mr. FORSYTHE. Mr. Chairman, I move to strike the requisite number of words.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentlewoman from New Jersey.

Mrs. DWYER. Mr. Chairman, the time has come in our long and tortured involvement in the war in Southeast Asia when the only course left to the Congress is to say, "Stop!"

That is what, as I interpret it, the Nedzi-Whalen amendment is designed to do—to say, "Stop!" I cannot do more, for under our rules of germaneness the amendment can only affect the money authorized to be spent—but not yet appropriated—by the pending legislation. Therefore, it necessarily leaves a wide degree of latitude to the President for a considerable period of time, long past the stated deadline of December 31, 1971.

Nevertheless, I intend to vote for it unless a demonstrably more effective amendment can be found. For it seems to be, at this time and place, the best we can do. And that best is clearly worthwhile. Though its value is chiefly symbolic, adoption of the amendment would tell the President, and our people, that Congress at long last is convinced that there is more to gain by ending the war in Southeast Asia than by prolonging it, no matter how low the level of our participation may be.

Mr. Chairman, I have reached this conclusion with some reluctance and only after all other efforts to end the war, including my own, have apparently failed. Neither unilateral withdrawal of our forces as of a fixed date nor gradual withdrawal combined with "Vietnamization" have ever appealed to me as our best alternative. For each would tend to perpetuate the war even though our direct involvement would ultimately cease. But of these two—and they seem to be the only alternatives left—the former is clearly the more desirable at this late date.

As many of our colleagues know, my own efforts for the past 5 years have been directed toward securing a cease-fire—a U.S.-initiated, mutually binding cease-fire, supervised by a United Nations force or units from an ad hoc group of neutral nations, followed by simultaneous withdrawal of all foreign troops. This, in turn, would stimulate more meaningful negotiations at Paris and maximize the opportunity for the Vietnamese people themselves to determine their own fate.

As an extension of my remarks, Mr. Chairman, I shall include in the appendix of today's RECORD the text of a newsletter I issued in June of last year explaining in detail the several features of my proposal and the specific formula for securing a cease-fire.

No one, of course, could guarantee that this or any similar plan would work. But as I explained in my newsletter and as I emphasized repeatedly to Presidents Johnson and Nixon and their top foreign policy advisors, we would have nothing to lose and everything to gain by trying. If it failed, the onus would be on the North Vietnamese for continuing the war, for we would have demonstrated convincingly our determination to end the war and reach a political settlement.

Unfortunately, however, neither this administration nor its predecessor has shown any serious interest in plans other than their own either for conducting or ending the war in Southeast Asia, which fact leaves us with the two alternatives of continued Vietnamization or congressional action to hasten our withdrawal.

In supporting the latter, I do so in the conviction that a vote for the Nedzi-Whalen amendment would be the most responsible action we can take today.

It would neither tie the President's hands nor excessively limit the options open to him in seeking an end to the war.

But it would, instead, enhance the position of the Congress as direct representatives of the people in sharing with the President for the first time active responsibility for determining how best to end the war.

It would not, in any way, imperil American prisoners of war or endanger

those American troops withdrawing from Vietnam.

On the contrary, not only does the amendment specifically provide for the return of our POW's and the safety of withdrawing troops, but agreement on a target date for withdrawal—even a tentative one—could well lead to the kind of understanding with the North Vietnamese which hastens, rather than delays, both the return of American prisoners and the withdrawal of American forces. Should the North Vietnamese violate such an understanding there would, of course, be no compulsion on us to withdraw according to schedule.

Neither would the amendment, Mr. Chairman, unduly disadvantage the legitimate defense of South Vietnam.

We have been told for some time that Vietnamization is working well, that most of South Vietnam is securely held by forces loyal to the Saigon government, that the army, navy, and air force of the country are far superior to those of North Vietnam.

Surely, this ought to be true. For more than 10 years, we have spent billions of dollars and tens of thousands of our officers and men to train, equip, supply, maintain, support, and advise the military forces of South Vietnam. Today, they are acknowledged to be the strongest such force anywhere in Southeast Asia.

If, with all of that, they are incapable of defending their tiny country or if the government is unable to hold the loyalty of its citizens, we shall at least have done our best. And I cannot understand how an additional few months of U.S. involvement after December 31, 1971, would substantially change this situation.

In the final analysis, Mr. Chairman, this war has been a bad investment for the people of the United States, however we measure this investment—morally, politically, economically, socially, or even militarily. From a purely selfish point of view, overlooking for a moment the huge toll of death and destruction imposed on the Vietnamese people themselves, the United States has put into this war more than a hundred billion dollars, the lives of 50,000 of its best young men, and the health of hundreds of thousands more. We have divided our people deeply and bitterly; we have strained to the breaking point our people's respect for their Government and confidence in its integrity; we have weakened our economy on which the livelihood of millions of Americans depend; we have stimulated inflation, incurred huge budgetary deficits, endangered our export trade, and suffered serious reverses in our balance of international payments; and now we are told by the Pentagon that the Soviet Union has caught up with or exceeded us in the development and deployment of major weapons systems.

All this—and more—is the direct and indirect results of our failure to see the costs of Vietnam in proper perspective.

In view of this, Mr. Chairman, I can find no objective or purpose which could justify remaining involved in military operations in Southeast Asia any longer than it takes to disengage. Consider, for example, that within the past few weeks, President Nixon has opened trade relations between the United States and Communist China and has greatly expanded the already comprehensive list of American products—including many with direct military applications—which our companies can sell to the Soviet Union. Yet, at the same time, the administration persists in its position that we are involved in Southeast Asia to defend free governments against a Communist conspiracy fueled by the Soviet Union and Communist China.

I do not think we can have it both ways.

Nor must we try to have it both ways, for there is not a great deal of difference between the President's position and ours. Insofar as we all are determined to end the war, withdraw our troops, and liberate our prisoners as soon as possible, then we are in agreement on the fundamentals, and I would hope that no lesser considerations should obscure this fact.

All I ask, therefore, Mr. Chairman, and all I believe the Nedzi-Whalen amendment involves, is for the President to make a little room for Congress and the people to participate meaningfully in determining how and when to end the war, or else to be more precise and convincing in telling us why the administration's plan should remain untouched and unaltered.

As one who believes the President has accomplished a great deal in reversing the trend of our involvement in Southeast Asia and has earned the gratitude of all who are concerned at the price we have had to pay for that involvement, I do not believe this is too much to ask.

If he will accept it in the spirit in which it is offered, the President will find, I believe, that this amendment can serve in an appropriate way the common purpose of all who wish to close this tragic chapter in American history.

Mr. FORSYTHE. Mr. Chairman, the Nedzi-Whalen amendment is proposed here today purportedly as a way to bring our troops home from Vietnam by the end of this year.

Many of the responsible and sincerely dedicated Americans who believe the President must set a date certain for disengagement are supporting this amendment.

I have great respect for these people, as I have for the amendment's sponsors and Members of this House who also support this proposal.

And, I must say, in all honesty, that I have, for weeks, debated with myself about this issue. I desperately want to do everything responsible to get us out of this war in Vietnam.

As you may know, I have been consistently opposed to setting a date certain, as a solution to our involvement in Southeast Asia. So, a yes vote for me would, of course, be a substantial change in position.

Mr. Chairman, I do not question the sincerity of those who are supporting this proposal here today.

They want the bloodletting to stop just as I do.

They want their people back home to know how they feel, just as I do.

They are tortured with every casualty on either side, just as I am.

They, too, are impatient and frustrated that the war has not ended.

They ask, and I ask, "Will the killing and maiming never stop? Cannot we in Congress bring this war to an end?"

Perhaps we can. Perhaps we can legislate peace. But I am not so sure. And, if we can, I must confess I do not know how. At least not yet.

But, Mr. Chairman, I do know this: Nedzi-Whalen, even though it has captured the minds of many people as a way to end this war, is a cruel hoax.

It is not the way to peace. It will not stop one bomb from falling after December 31, 1971. It will not bring one American home.

That is a fact.

Some supporters of this proposal argue that it is consistent with a statement of policy signed by a number of Republican Members, entitled "Action To End the War."

They argue that since this is so, it would be inconsistent not to support Nedzi-Whalen.

As a signer of this document, I continue to stand by its purpose and its intentions.

The crux of this statement is as follows:

> We shall work and vote for responsible legislation during the current session to fulfill our obligation to the President and to the people to work to end our military involvement in Vietnam, Cambodia and Laos this year, consistent with return of our prisoners and safe return of our personnel.

The key word here, Mr. Chairman, is responsible.

And, in my judgment, this is where Nedzi-Whalen fails.

Responsible legislation, in my mind, means legislation which will accomplish a stated purpose in a conscientious and accountable fashion.

It means, in short, that the proposal turns into specific results within a given period of time.

This simply would not occur with Nedzi-Whalen.

It cuts off funds for new procurement of military supplies after December 31, 1971, and, in this way, sets a "date certain."

But does the military and the administration need these funds to conduct the war after this date?

The answer is "No."

In fact, by the time military equipment covered under this bill gets down the pipeline to Southeast Asia, it will be long past December 31, 1971.

The amendment has no effect on personnel.

It would bring no one home. It would not stop the bombing. It would not stop the fighting.

And, by its very nature, people are being led to believe that this would occur.

If I were serious about wanting to set

a date, this certainly is not the vehicle that I would choose.

The amendment goes out of its way to assure that the administration's war-making powers are not abridged.

It hedges withdrawal with safe return of prisoners.

Mr. Chairman, there are so many loopholes that it would take Fruit of the Loom all week to patch them up.

The amendment is a cruel hoax.

Yet, supporters will tell their constituents: "I voted to set a date."

Most of those constituents will believe a date has been set, if Nedzi-Whalen passes, and that the demands of Hanoi have been satisfied.

They will be disillusioned because the date that has been set is meaningless.

The vote on this amendment is being declared as a vote of either confidence or no confidence in the President. This is unfortunate.

I do not consider my "no" vote to be a blank check for the administration. I am just convinced that this is bad legislation.

I will continue to seek responsible ways to participate in ending this war.

The New York Times release of some of the inside history of the Vietnam war further destroys confidence in our Government.

The Congress should not play this game of deception. This is the game that Nedzi-Whalen plays.

I repeat, my colleagues, that this is a most cruel hoax.

It does not do what it purports to do. It does not set any meaningful date.

It does not mandate withdrawal.

It does not stop the use of material to prosecute the war during either the period ending December 31 or even June 30, 1972. Or, really, even after that.

It does not stop the bombing or any of the things many people believe it does.

It does not stop the war.

Mr. Chairman, and my colleagues, let us not deceive the people. Let us seek to be truly responsible.

Let us question and seek new paths toward peace.

But, let us not deceive the people.

Mr. CELLER. Mr. Chairman, from some of the remarks made this afternoon one would get the impression that Congress had no hand in the conduct of this war. Well, I can only say that that is just balderdash. We are not political eunuchs. We have power when it comes to this war. The President is Commander in Chief of the Armed Forces, but we are the commander of the purse, and our power is almost equal to that of the President. The powers are coordinate. Since we have command of the purse, let me remind you of an old phrase: He who pays the price can call the tune. I think it is time we called the tune.

Mr. Chairman, it is quite evident we cannot win a military victory. That is admitted by all. It is quite evident, also, that we cannot have a diplomatic victory in Paris. That seems to be admitted by everyone. Therefore there can be no victory.

Why are we in Southeast Asia if there can be no victory whatsoever either on the diplomatic side or on the military side? Why continue this senseless war that the Nation does not want? To what purpose do we continue?

To my mind there is no logical answer. The continued killing and maiming of our sons is a dreadful and dreaded result. The indiscriminate destruction of the native population by indiscriminate bombing cannot be justified. It amounts to the slaughter of the innocent.

How long can we wait for this undeclared war to end? This is no more than manslaughter.

All sorts of promises, subterfuges, lies—and I emphasize lies—have been fed to us. Are we mice or are we men? Let us rise and assert ourselves now, we who should be concerned for our Nation, for its prosperity, for its dignity, and for its welfare.

It is ridiculous to say that we in Congress have no power over this unholy war. As I said before, the Constitution does give us power, and this amendment is within the ambit of that power. It concerns appropriations, it concerns moneys for the conduct of the war and for the maintenance and support of our armies in Southeast Asia.

We have been supine, apathetic, and quiet for too long a period. Let us act now and give the signal that the war must end. I think passage of this amendment will be that signal not only to the country but to the whole world.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. McCLORY. Mr. Chairman, as has been mentioned here earlier, I am the author of House Concurrent Resolution 321 in which 20 of my colleagues have joined to establish a fixed date, the earliest date I know of, for withdrawal from Vietnam, November 30, 1971. This resolution provides for a mutual withdrawal of the North Vietnamese Armed Forces and all other foreign armed forces from South Vietnam. It is also conditioned upon there being established a cease-fire and an exchange of all prisoners, also according to set dates. This resolution is set for a hearing before the Subcommittee on Pacific and Southeastern Asian Affairs of the House Committee on Foreign Affairs, and I expect to testify in support of that resolution next week.

It seems to me, as has been indicated here earlier, by my colleague from Illinois (Mr. ANDERSON), that this is the correct approach to take with regard to a fixed date resolution for withdrawal from Vietnam, or other congressional action.

I think personally that the President should set a fixed date for withdrawal, and this sense-of-the-Congress resolution would designate a date which could be adopted by the President for a mutual withdrawal.

Mr. Chairman, I do not feel that we are helpless or that we should sit here supinely as has been indicated by an earlier speaker. I think it is incumbent upon us to give every bit of support, advice, and assistance to help the President in bringing this war to a final conclusion at the earliest possible date.

Mr. Chairman, there is precedent for the Congress acting in such a way, because we have done this with regard to other conflicts which I have referred to in earlier remarks in this Chamber, and which are reported in an earlier volume of the CONGRESSIONAL RECORD.

Mr. Chairman, in a questionnaire which was circulated among 154,000 households in my congressional district support for the President's domestic policies ranged up to 85 percent. On other domestic issues the survey indicated that the voters were about 2 to 1 in support of what the President has proposed. But with respect to the subject of Vietnam and whether they felt our present Vietnam policy would be successful in terminating our involvement, the men gave only a 37-percent vote in support of the President, and 63 percent against. The women voted 31 percent for our present policy and 69 percent against. This indicates that they want something more to be done and that, in essence, is what my House concurrent resolution proposes to do. It says:

> Yes; the President is doing a good job, and he is keeping his word; he has reduced the total number of our troops in Vietnam in a little over two years from a high of more than 540,000 down to 242,000; he has kept his word with regard to the withdrawal schedule.

But, Mr. Chairman, the American people still want an accelerated withdrawal and a final termination date for this war.

Mr. Chairman, I am going to vote against the Nedzi-Whalen amendment and the Robison amendment, because I feel we should deal with this subject directly through the form of a House concurrent resolution at the hearings before the appropriate committee. I am hopeful that those who have joined me in this resolution will not feel that they are being let down by my not proposing my resolution in the form of an amendment to this bill. I hope that other cosponsors will support the position I have indicated, that of going directly to the issue with the expectation of bringing the resolution to the House for a vote after we have had hearings before the committee. This should enable us to have an early vote on this concurrent resolution.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, the time has come to put up or shut up. The Nation has had its full of sophistries about how we must kill for peace, and expand the war in order to end it.

When the Nedzi-Whalen amendment to the military authorization bill comes to a vote, every Member of this House of Representatives will have an opportunity to make known the wishes of his constituents—whether they want to end the war before the first of the year, or whether they want the war to continue.

Undoubtedly, there will be attempts by professional pettifoggers to cloud the issue with qualifications, to pretend that the issue is not that simple. It is that simple. Either Congress exercises its fun-

damental power of the purse by refusing to allow any more of the people's tax money to be poured down the drain in Southeast Asia, or it does not.

Either we stop the war or we do not. The recent revelations of manipulations by past and present administrations have taught us once again the lesson which President Nixon urged early in his term of office: do not pay any attention to what I say—watch what I do.

The country is no longer interested in what we say about the war. It is waiting to see what we do.

Words will not stop the killing, nor will they bring the return of our prisoners of war. The President refuses to set a date for ending the war because he says that would mean abandoning our POW's. Who ever heard of prisoners of war being exchanged in the middle of a war? Prisoners of war are exchanged when a war is over.

Countless people in positions both high and low have urged the President to signal an end to the war by announcing a withdrawal date, so that we can begin to negotiate with the North Vietnamese for a mutual exchange of prisoners. They have promised they will join us in such an agreement once a withdrawal date is announced. The amendment offered by my colleagues, the gentleman from Michigan (Mr. NEDZI), and the gentleman from Ohio (Mr. WHALEN), protects against a welching by the North Vietnamese; it permits the President to condition withdrawal on successful arrangements for mutual release of prisoners. The President has said that a date certainly would be a "precipitate" move. We have been involved in Vietnam 17 years—longer than the Civil War, World War I, and World War II put together. Isn't 17 years long enough?

Congress can evade its constitutional responsibility no longer. We have wheedled, cajoled, and deferred to the President time and time again, and to no avail. It is time we gathered up our moral courage and rose with a single voice to say "No more."

I would like to commend my distinguished colleagues, the gentleman from Michigan (Mr. NEDZI), and the gentleman from Ohio (Mr. WHALEN) for their leadership in pushing a reluctant House to stand up and be counted at last on the issue of ending the war. History will record whether the House accepted the responsibility to save the country from any more of this ugly war.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, we are today considering legislation which calls on the Members of this House to express a formal desire to remove all American troops from Vietnam on a fixed date, December 31, 1971.

I oppose that measure, Mr. Speaker, for a number of reasons.

The legislation at issue here, the Nedzi-Whalen amendment to the Military Procurement Authorization bill, has been widely advertised as the House version of the well-publicized Hatfield-McGovern amendment, which was defeated in the Senate yesterday by a vote of 55–42.

But the Nedzi-Whalen amendment is vastly different from the Hatfield-McGovern measure. The Nedzi-Whalen bill cannot end the war by December 31, even if enacted, a fact finally admitted by its sponsors after weeks of misleading publicity.

The gentleman from Michigan (Mr. NEDZI) has conceded that even if his bill passed, it would not materially affect the course of the war for another 2½ years, since authorizations already approved would sustain American military operations through that time.

So the Nedzi-Whalen amendment, while calling for a December 31, 1971, deadline, could not force a withdrawal before the early months of 1974. I am confident that President Nixon will have ended American combat involvement in Vietnam long before that time.

But this amendment, though powerless to affect the war directly, could if passed provide the North Vietnamese and Vietcong with a powerful propaganda weapon, and to destroy any incentive for the enemy to negotiate an earlier settlement.

With these facts in mind, it is obvious that this legislation could only prove damaging to our efforts to continue an orderly withdrawal of American troops, and to turn the complete war effort over to the South Vietnamese and give them the responsibility of defending their own country.

A vote for this amendment would not be a vote for an earlier peace, since it could not have that effect. A vote in favor could only serve as a signal to the enemy that we are ready to give up our pursuit of a just peace.

President Nixon has said on several occasions that setting a fixed withdrawal date would not be in the best national interest at this time. As Commander in Chief of the Armed Forces, and with his access to the private discussions now going on in Paris, the President knows better than any Senator or any Representative what is the best course for us to follow in disengaging our troops.

The Vietnamization program is working—300,000 Americans have been brought home from Vietnam over the past 2 years. Troop withdrawals are continuing now at a rate of 19,000 a month. We are moving toward a total withdrawal of American fighting men.

Casualties are at their lowest point since the initial troop buildup was ordered by the Johnson administration 6 years ago. The number of American casualties has been reduced by 90 percent since the Vietnamization policy was implemented 2 years ago. None of us will be satisfied until we reach a 100-percent reduction—no casualties at all—but we are working toward that goal.

These are positive steps toward peace, not reckless rhetoric that cannot be supported by facts.

The facts are that we are getting out of Vietnam, and that the rate of withdrawal has been consistently accelerated.

All of us want peace. We want our sons and brothers and fathers home with us. We want our prisoners of war released, and brought home to safety.

President Nixon wants all this as much as any of us, and I am convinced he is doing his best to see these goals achieved at the earliest possible date. President Nixon has met or exceeded every commitment he has made to the American people, and with their support, and ours, we can conclude our involvement in this war in an honorable way, and hopefully achieve the goal of the President—a goal we all share—and that is a long-awaited generation of peace.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I shall support the Nedzi-Whalen amendment. I believe it makes sense to establish a date certain for withdrawal of our troops from Indochina.

The time has come for the Congress to exercise its constitutional power to limit expenditures for military operations in that troubled area of the world.

It has been 10 years since our Americans began their bloody sacrifice. On December 22, 1961, Sp4c. James Thomas Davis of Livingston, Tenn., became the first American soldier to die in combat in Vietnam. Since that date almost 50,000 more American boys have joined him in death in that war and over 300,000 other American boys have been wounded, a dreadful toll. It was announced today by the Pentagon that another 25 American boys had been killed in combat. The time has come to bring such announcements to an end.

Almost 140,000 South Vietnamese have been killed in battle and almost 350,000 others have been wounded.

Three hundred twenty-five thousand South Vietnamese civilians have been killed and over 1 million more have received wounds.

The number of South Vietnamese uprooted from their homes and forced to become refugees exceeds 6 million, which is more than one-third of the total population. More than 5½ million tons of bombs have been dropped on Indochina, a staggering quantity which is 2½ times more than the total bombing by all belligerents during World War II.

We are told and we have tended to believe that the approximate cost of the war to date has been $125 billion. That is only the initial cost. A study by Prof. James L. Clayton of the University of Utah which has been accepted as a part of the Department of Commerce's Statistical Abstract of the United States estimates financial commitments attributable to the war as of June 30, 1970, to be $352 billion. This is broken down as follows:

First, $110 billion in direct spending by the Armed Forces;

Second, $220 billion in Veterans benefits made necessary by the conflict extending into the next century;

Third, $22 billion in interest payments on war-related Government debt.

Almost another year has gone by since last June 30 and almost another $15 billion has been spent on the war. It must be obvious that Professor Clayton's estimates are conservative. How much longer shall we permit our Nation's resources to be thrown down the drain in Vietnam?

It will be argued, however, that we must not pull the rug out from under the President—that the President knows best—that he is in possession of the vital facts relating to the war and to peace negotiations and that Congress should not interfere with whatever he is doing in this field.

Congress has tended more and more to leave such matters to the executive branch, depending upon the President to provide timely information for its guidance. In the years following World War II with the growth of American involvement in international affairs throughout the world, the Congress has given more and more power to the President and has deferred to his judgment.

We are reading in the press today the results of such reliance in the early 1960's.

Unfortunately, the executive branch has come to assume that in matters of war and foreign policy the Congress has little choice other than to accept the judgment of the executive branch. Unfortunately, too, some Members of Congress have the same viewpoint. One need only recall the demand of the White House for prompt approval of the Gulf of Tonkin resolution to realize the dangers inherent in inadequate questioning of Presidential proposals in this field. It is clear now that all the facts surrounding the episode in the Bay of Tonkin which led to the initial bombing of North Vietnam by American planes were kept from Congress at the time it voted on that resolution.

Too frequently the executive branch has failed to follow the sage advice of the late Senator Vandenberg that Congress should be informed and consulted before the takeoff on some foreign adventure and not merely at the time of the crash landing.

Obviously, we must not and shall not withdraw our Armed Forces from Vietnam without having repossessed our prisoners of war. No settlement is possible without their release. But they certainly will not be returned as long as the fighting continues and the Vietnamization program continues the fighting. It is true that on occasion belligerents exchange prisoners during a war, but that is the exception. Ordinarily, prisoners are released when hostilities are ended.

Hanoi has expressed interest in combining the return of the prisoners with American withdrawal. Approval of the Nedzi-Whalen amendment may serve to bring the negotiators together on a date for our withdrawal and the return of our prisoners, and I shall vote for it.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, it pains me once again to oppose my leadership on this legislation. And I wish to emphasize my admiration for the determination the committee chairman, the gentleman from Louisiana Mr. HÉBERT), has shown to assure full and unfettered debate on a most vital issue.

But Mr. Chairman, the startling series in the New York Times has revealed the extent to which Congress and the Nation were deceived by those who formulated our disastrous policies in Vietnam.

With many others in this body, I accepted as fact what has turned out to be—and I shall try to be charitable—a chain of prevarications surrounding the start of our massive involvement in this war.

In retrospect—and hindsight in these matters is always helpful—it appears President Johnson was ill advised by many of his senior counselors during the period of maximum buildup. I wish more of these officials had been like George W. Ball, our Under Secretary of State at the time, who at least had the courage of his convictions in openly opposing the wider war, involving as it did the commitment of large numbers of U.S. ground forces.

Some of the men around Mr. Johnson were less than frank in discussing the war with Congress and the public. I recall vividly the headlines of 4 or 5 years ago, over Mr. McNamara's pronouncements that the boys would all be coming home within a year or so. Either Mr. McNamara did not know what the facts were, or he was lying.

I do not think the war would have been allowed to progress in the way it has if Congress had been properly informed back in 1964 and 1965.

It is not necessary to belabor past mistakes. But it has been said that those who do not read history are doomed to repeat its mistakes.

Let us look, instead, to the future. Not alone because I feel duped by McNamara and others, but because such action now seems tragically overdue, I shall vote for the Nedzi-Whalen amendment.

I want America out of this war.

Mr. WALDIE. Mr. Chairman, I rise in support of the Nedzi-Whelan amendment. I listened to those who have said we should oppose the Nedzi-Whelan amendment, because if it were to pass, and since it is a meaningless expression, it would contribute to the further disillusionment that is already prevalent in our society.

I pose this question to them: What factors do they believe have been responsible for bringing about the disillusionment of the American people?

Mr. Chairman, clearly in my district there is the feeling that the House of Representatives and the Senate, particularly the House of Representatives, are institutions that have no ability to perform anything meaningful in disengaging us from Vietnam. That is where a large part of the disillusionment has come from. Further, that the President is the only one to whom they can turn to accomplish a change in that policy, while the House and Senate sit back and pass up opportunity after opportunity to take meaningful steps in their behalf.

Mr. Chairman, it is an ineffectual attitude on the part of the House of Representatives, particularly, that has contributed greatly to the disillusionment of the American people.

Mr. Chairman, the amendment may not do much, but this is the only amendment pending before us, and it is the only amendment that does anything. It is sophistry to suggest that there are better amendments and that we should have a better amendment than the one now pending before us. There are no other amendments pending before us. The Nedzi-Whalen amendment is the only amendment pending before us. If you want to bring about a lack of disillusionment on the part of the American people, let them know that the legislative branch of this country is effective, and this is the time and place for us to cast that vote.

I am also concerned with those who say that to vote for the Nedzi-Whalen amendment would cast a doubt on the faith that we might have in our President; that we should have total and utter faith in our President to bring us out of this complex dilemma in which our Nation finds itself, because they say that "he is the only President we have got." We have had total and utter faith in all of our Presidents. I think there are few in this Chamber who do not now say that that utter and complete faith has in fact been misplaced, and it seems to me it was misplaced in the last administration, if the brief information to which we have had access as to how they arrived at their policy is correct. And I am beginning to believe that the faith in this administration may be equally misplaced because of the adamant position this administration has taken to the further release of those decision papers that involve the administration in which they did not participate. I suspect their motivation may be that if a precedent is set with the Johnson administration, the public may thereby gain access to equally critical papers involving how this administration arrived at the peculiar decisions they have arrived at in this particular conflict.

Furthermore, those who say that if we pull out of Vietnam and end that tragedy, we will "lose face in the world," are suggesting that the face we now present to the world in Vietnam is a de-

sirable face. It is the ugliest and most tragic face America probably has ever presented to the world, and to all of our people in our entire history. To change that face by withdrawing from Vietnam does not seem to me to be a tragedy, or be a case of losing face, but it seems to me instead it is a case of changing faces from an ugly one to a much better one.

Finally, many have extended great credit to the President for faithfully "following his plan to end the war." That plan was described during the President's campaign as, "I have a plan to end the war." Despite urging that he reveal the details of that plan, the President as a candidate refused to do so. And, politically, that was a wise decision. Because if he had revealed a "plan to end the war" that 2½ years later was not any more nearly accomplished than this "plan" the American people would have clearly rejected that "plan" at the polls. In truth and in fact, the mysterious "plan" was not in existence—or if it was, has not worked. A quarter of a million troops still remain in Vietnam, casualties continue, the war drags on.

End this war, Members of Congress. vote to end it.

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Whalen-Nedzi amendment. I would first like to thank all of those who supported the record-teller amendment last year for making it possible for me to cast my first vote squarely on the continuation of the Indochina war.

The real question before us today is whether the House will continue to act as a silent partner in any military undertaking commenced and conducted by the executive branch. We have been watchers from the sidelines in a war that is demoralizing our Armed Forces and dividing our people so deeply that it may be impossible to unite on issues of war and peace ever again.

This administration has made steady progress in withdrawing American forces. Absolutely nothing in the Whalen-Nedzi amendment repudiates this record of winding down the war. This is not a vote of no confidence in the President; it is a vote of new confidence in the Congress. Only joint action by the President and Congress can accomplish our complete withdrawal with the dignity and unity of purpose this Nation needs. Whether we like it, or even knew it or not, we have been accomplices in this war. Let us be real partners in achieving peace.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I wish to identify myself with the remarks of the gentleman in the well, and to express my strong support for the Whalen-Nedzi amendment.

Mr. Chairman, the time has come for the Congress to take the lead in ending the war in Vietnam.

We have before us today the Nedzi-Whalen amendment that prohibits the use of military procurement funds to continue the war in Indochina.

We have had similar proposals offered in the House before to restrict the conduct of the war but each has been defeated. The time has come for the Congress to reassert its constitutional responsibility to finance war or the end of war.

The text of the Nedzi-Whalen amendment is reasonable, flexible, and perfectly within the prerogatives of Congress. It will effectively speed up the pace of our withdrawal from Vietnam, which is the Nation's established policy, a policy that nearly every American shares and a policy which three-quarters of us would like to see completed by the end of this year.

I know, Mr. Chairman, that many of our colleagues have long regretted their votes in 1964 in favor of the blank check to President Johnson that was given in the form of the Gulf of Tonkin resolution. They know that if we in the Congress are to retain our credibility as the representatives of the people we must reassert our rights and responsibilities in national affairs. We can do so through approval of the Nedzi-Whalen amendment. I believe the President is doing his job in ending the war. Now we need to do ours.

The revelations this week in the New York Times of the deceptions practiced on the Congress early in the Vietnam buildup makes it absolutely imperative that the Congress express its will now, however belatedly it might be. I am sure that every Member of this body who supported the Gulf of Tonkin resolution as an emergency response to attacks on an American destroyer was angered to learn that the resolution was, according to the Times, drafted 3 months before the incidents occurred.

I have pledged to work to settle the issues involved in this conflict by the end of this year. We need to complete the withdrawal that has already begun by the end of this year. We need to resolve the prisoner-of-war question to insure the safety of our men and their earliest possible return to this country by the end of this year. We need to heal the domestic wounds that have arisen because of Vietnam. And, we need to provide programs to insure the rapid assimilation of Vietnam veterans into our society and our economy.

In my view, the Nedzi-Whalen amendment would be a step toward each of these goals. The defeat of the amendment would be a severe blow to the possibility of achieving these goals and it would be a repudiation by the Congress of the wishes of the American people. Its passage would mark a significant step forward for both the Congress and the American people.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Millions of words have been spoken on this subject, and in this long debate perhaps we have heard far too many words. What we need to distill out of all those words are two simple things: first, does this body still have the belief that human life is sacred and valuable even in Vietnam? The second thing we need to distill from all of those words is whether or not the action that we will take today on this amendment will begin to restore credibility in the system of representative government.

I heard the distinguished minority leader say that this amendment is meaningless. I would ask the gentleman to tell that to the mother of that young man who worked in my campaign, who came back from Vietnam with his right arm blown off, fingers missing from his left hand, and his back permanently in a brace.

I would ask the distinguished minority leader to tell her that it is meaningless—when she has to face the awesome prospect that her second son will go to Vietnam, to face the same fate, or one that is worse. Perhaps that second son will be killed. I would ask the distinguished minority leader when he speaks about the amendment being only a symbolic gesture—I would ask him to look into the faces of those thousands of young college men and women I talk to, both black and white, who tell me, "Brother Parren, we do not believe in the system because the House of Representatives has failed in its responsibility, to end the war."

I would say to the distinguished minority leader, "my God, my God, if we ever needed a symbolic act—it is now." This is much larger than just the issue of Vietnam. This goes to the central issue of whether or not this is a democracy, as we know it and understand it, will survive or whether it will be eroded overtly and overtly, vitiated and perhaps destroyed by a lack of credibility in the system of government.

This is a crucible and this is a severe test for this body. The question in my mind, and the question in the minds of these young men and women whom I see every day is—how will this honorable body act at this juncture, at this point in history, will it meet that test? Will you act to restore credibility or will you once again act out of political expediency and lack of commitment and a lack of awareness of what that world is like outside this Chamber?

Mr. Chairman, I urge support of the pending Nedzi-Whalen amendment.

Mr. HUNT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are getting down to the closing moments of the debate, I hope, on this amendment and on the one offered by the gentleman from New York.

It would appear to me that perhaps the record sometimes becomes distorted in many channels to suit the person who emotes so unqualifiedly at times.

About 4 years ago I was one of the first persons in this body to advocate withdrawal of American troops from Indochina and the turning over of South Vietnam to the South Vietnamese. I did so when it became quite evident that we were engaged in a no-win war—where we were supplying the men, the materials

and the money, and because I thought the American people had been sold down the stream by persons who had deliberately misled them into believing, first, that we had been attacked in the Gulf of Tonkin and, second, that we were out to save the world for democracy.

Then we found out a little bit later as we went along that this is not the case—that those persons who were advocating this—and I need not be bashful about saying it was Robert Strange McNamara who said:

> We are about to see the light at the end of the tunnel.

He had no more intention of winning that war then than he does now.

I heard someone say a short time back in this Chamber that the people were disillusioned. You bet they are disillusioned. They are disillusioned with the picture that was painted by those people who sent over a half million men to Vietnam to fight a war that they never intended to win. The same people in this Chamber who supported that are today the greatest doves and the greatest bleeding hearts. Certainly, our people are disillusioned—why should they not be? I have been disillusioned and so have many more.

Loss of face—no one worries about loss of face today. That day has passed. Loss of face is not for us to discuss. The object for us now is to get our men home as rapidly as possible and to turn the government over to the South Vietnamese so they might have their own form of government and that they would not knuckle down to the Communist threat. The Hanoi line is that we turn over the entire range to the Vietcong of Vietnam—that we withdraw without our POW's, prisoners of war, being returned to us—or that we throw out Mr. Thieu who is their President—and unless we do everything the Communists want—that they will not acquiesce. I oppose the Nedzi-Whalen amendment because it is a gesture in futility, a cruel hoax on the American public and, in fact, does nothing to affect an honorable peace in Indochina.

The Nedzi-Whalen amendment would not bring one man home. It would merely cut off the authorization of money to support the men whom we are trying to bring home now. Why do they not speak the truth about this situation? Money is not going to save them. It is going to take the action of all the Members in this Chamber to think about this war with level heads, not to attack the President at every little whipstitch, not to be talking for your own benefit for reelection, and not to be speaking for these people who now seek to become President by virtue of this unfortunate occurrence we have found ourselves placed in as a result of the Gulf of Tonkin resolution.

Why do we not face up to the reality and say, "Mr. President, you are the first man to bring troops home. You are the first to try to do a job in this respect. We think you are doing the right thing, and we are going to try to help you get them home as soon as possible"? Why do we not do that for a change, and stop giving solace to the Communists in Hanoi so they might parrot the lines of people in this very House tomorrow morning on the radio, so they might broadcast the support that is being given them by the Members of the Congress, if you will, because they do not have the courage to stand up and face their own inadequacies?

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The gentleman from Missouri is recognized.

Mr. RANDALL. Mr. Chairman, I oppose the Nedzi-Whalen amendment because it is my carefully considered conclusion that it will only lead to further frustration and disillusionment of our people. It is not very often that I find myself in complete agreement with the minority leader. But no truer words were ever spoken than when the gentleman from Michigan said in the well a moment ago that if we adopt this amendment it will lead our people to believe it will end the war on December 31, which it will not, and when they wake up to find that it did not do what they thought it would do, there will be more cycnicism and more disillusionment than has been produced by anything the New York Times articles have said about the Gulf of Tonkin resolution being the outgrowth, not of an actual attack, but a provoked attack. I repeat, more cynicism can result from the mistaken effect of this amendment than all the articles written in recently the New York Times.

I predict that if we adopt the amendment we will be once again confusing, deceiving, and even misleading our people.

Why do I make that statement? First, because the date is misleading. I think we should take time to once again review, even at the expense of repetition, some of the things this amendment will not do. First, it will not lead to the withdrawal of our troops, such as the McGovern-Hatfield amendment in the other body would provide.

Why is this so? Because of the total of $28 million involved in the procurement bill, only about $2.5 billion will have any reference at all to the fiscal year 1972. Quite a substantial portion of the funds will be spent in 1973, 1974, 1975, 1976, 1977, and some as late as 1978.

Second, the amendment cannot be effective or restrictive of the war because there are already enough funds in the pipeline, funds already appropriated in former years, already authorized and funded, to carry on the war for a considerable time.

Third, if by the assumption of some strange hypothesis we could freeze or suspend the use of all funds provided in former years, then notwithstanding—and there has been a lot said about the powers of the President as Commander in Chief—under those powers the President would retain the authority to circumvent all the provisions of this amendment. He could take planes, tanks, or ships already authorized for our forces for use anywhere else in the world and simply transfer them to Vietnam and still be in conformance with the terms of this amendment. The hardware from former appropriations sent to Vietnam could be replaced by hardware from this authorization without any violation of this amendment by the President.

For these foregoing reasons the amendment is so filled with loopholes as to be ineffective. It is not only misleading but deceiving to all of our people who have been led to believe it will end the war.

Finally, it has been said that if the amendment cannot be effective it still has left its symbolism, that it is a signal from the House that we want the war over. I am sure I am speaking for the great majority when I say that the authors of this amendment and those who support it, enjoy no monopoly in wanting to end the war. We are all for ending the war. This amendment, however, will not accomplish that objective but it will be misleading, deceptive, and lead to greater frustration and disillusionment than ever before. Later this afternoon I intend to join in either a substitute to this or a separate amendment which will express the concern of the House, without the disadvantages of this most ineffective amendment.

There has been some talk about the hearings to be conducted by the Foreign Affairs Committee. I am convinced that even before these hearings we can adopt this afternoon a reasonable expression of the sense of this House to withdraw our troops before we complete this debate today.

We all want an early withdrawal of our troops from the war. But the way to achieve that objective is not to mislead, confuse, deceive and increase the cynicism such as would result from the adoption of this amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Illinois.

Mr. FINDLEY. I wonder if the gentleman could support an amendment something to this effect:

> None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.

Mr. RANDALL. My answer is in the affirmative. If I heard you correctly such wording would clearly express our intent and I will support your effort to adopt such a meritious proposal.

(Mr. HICKS of Washington asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. HICKS of Washington. Mr. Chairman, during the past 2 months I have received petitions with several hundreds of names requesting my support for measures similar to the amendment offered today by our colleagues, the gentleman from Michigan (Mr. NEDZI) and the gentleman from Ohio (Mr. WHALEN). To

each signatory of these petitions I have sent a letter which reads as follows:

I am sympathetic to your view that the Indochina war come to an immediate end. If it appears that the President does not intend to continue withdrawal at the same or at an increased rate until all forces are out of Indochina, then I shall vote to cut off funds. Otherwise, I should prefer to give the President the opportunity to disengage in accordance with what he feels to be in the best interest of the nation so long as that does not include a residual force in Vietnam or the continued use of air and naval power from outside Vietnam.

Mr. Chairman, in the summer of 1968 I took the position before the Washington State Labor Council that our commitment to the South Vietnamese essentially had been fulfilled. When President Nixon began withdrawing American forces in 1969, I applauded his efforts. I still believe that as long as the President continues to withdraw our troops at the present or preferably an increased rate he should be allowed the opportunity to disengage in accordance with what he determines to be the best interests of the Nation.

I did not support the Nedzi-Whalen amendment when it was offered in committee. It is my intention to vote against it today on the floor. However, Mr. Chairman, if at any time it becomes clear to me that the President does not intend to withdraw all American forces, and, as has been discussed both in the national press and here today in the House, that a residual force may be left in South Vietnam, I will then support legislation to end all funding of our military efforts in Indochina.

SUBSTITUTE AMENDMENT OFFERED BY MRS. MINK FOR THE AMENDMENT OFFERED BY MR. NEDZI

Mrs. MINK. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The Clerk read as follows:

Amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. NEDZI: Title V, General Provisions, of H.R. 8687 (FY 1972 Defense Authorization Bill) is amended by adding the following new section:

"SEC. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos."

Mrs. MINK. Mr. Chairman, the Nedzi-Whalen amendment has received wide publicity. I believe it has been lobbied without care or attention to the details which detract from its effectiveness. Nevertheless, even though its import is questionable, it has been advertised as an end-the-war amendment and only as such I shall support it. However, I offer my amendment to delete all but the first paragraph so that at least the intended purpose of this highly touted amendment will be allowed to stand by itself without all the bypass equivocation and qualifications.

My amendment would simply delete sections (b) through (f).

It would strike first of all paragraph (b) which states that if the President determines that the cutoff date does not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or fails to insure the return of our prisoners of war, he may recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives. All along President Nixon has refused to set a withdrawal date because he believes to set a date is injurious to the safety of the men who are remaining. He has authorized incursions into Cambodia and Laos on the grounds that these were necessary to safeguard American lives. We know how the President stands on the matter of a cutoff date. Therefore section (b) is nothing more than an endorsement of the President's argument against a deadline. If a cutoff date is adopted, obviously, the President may at any time propose any legislation he wants. Therefore, section (b) is entirely unnecessary.

Paragraph (c) should likewise be stricken. It states that the amendment shall not be construed to affect the constitutional power of the President as Commander in Chief. Again, this section is unnecessary. We all know that we cannot overrule the Constitution by a statutory act such as the military procurement bill. Any constitutional power the President may have will be unaffected by this bill. But the danger of the section is that it appears to confer legislative sanction of the President's claims of authority to do practically anything he wants with our military forces without congressional approval. The powers of Commander in Chief have been used to justify the invasions of Cambodia and Laos.

On December 29, 1969, President Nixon signed the Defense appropriation bill for fiscal year 1970 into law. It contained the Cooper-Mansfield amendment which said that no funds could be used "to finance the introduction of American ground combat troops into Laos or Thailand." But this did not prevent the President from spreading the war into Laos. He has authorized extensive use of American air and logistical support, reconnaissance flights, combat support flights, payment of non-American troops, and introduction of 643 American advisory, training, and logistical personnel as listed by him in his statement of March 6, 1970, on our involvement in Laos. Mr. Nixon said he acted because "it has been necessary to protect American lives in Vietnam."

On January 11, 1971, President Nixon signed the Defense appropriation bill for fiscal year 1971, again carrying a prohibition of the use of funds for the introduction of U.S. ground combat troops into Laos or Thailand. This second provision was as ineffective as the first, for almost concurrently, the President staged a secrecy-shrouded invasion of Laos in which U.S. troops gave massive combat air support to the South Vietnamese invaders.

Similarly, we passed a Cooper-Church prohibition as part of the Special Foreign Assistance Act of 1971, but this has not stopped our extensive operations in Cambodia. Clearly, the constitutional powers of the Congress to declare and terminate war are infringed upon by the powers of the President as Commander in Chief. We should not therefore further degrade our own authority by adopting section (c).

Section (d) should be deleted because it is entirely contradictory. It states that the amendments shall not be construed to affect the power of the President to provide military assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of the amendment. How could any military assistance be consistent with this amendment? If we really are opposed to our military involvement in Southeast Asia this section must be stricken.

Section (e) states that all these funds provided under this act may nevertheless be used for ensuring the return of prisoners of war. The President bases his refusal to set a deadline for our total withdrawal on the need for obtaining the release of American prisoners of war before setting such a date. In this regard section (e) supports the reasons for the President's refusal. Yet it should be apparent to all that the only way of obtaining the release of our prisoners is to end the war. When the fighting stops, the prisoners will be released. This section while seeming to help our prisoners is nothing more than a statement of approval for the prolongation of the war. If we wish to establish a firm unequivocal date to end the war then we must not include in such a resolution all the excuses for its suspension.

Section (f), which permits the assignment of customary military personnel to diplomatic missions, further violates the stated intention of the amendment. There have been numerous charges in the past of large numbers of diplomatic assignees performing largely secret advisory or even clandestine military roles in such countries as Laos and Cambodia. Indeed, the expansion of these missions got us into Vietnam in the first place. We should not repeat this mistake.

In summary, sections (b), (c), (d), (e), and (f) add nothing to the goal of obtaining our withdrawal by the end of this year. If we are serious about the import of this amendment, let us not burden it with loopholes. I urge your support of my amendment.

The CHAIRMAN. The time of the gentlewoman has expired.

Mrs. MINK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

Mr. HALL. Mr. Chairman, I object.

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. GUBSER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ANDREWS of Alabama. I am glad to yield to the gentleman.

Mr. GUBSER. Could the Chair inform the gentleman regarding the order in which votes might come, assuming that no other amendments or substitutes are offered at this time?

The CHAIRMAN. The first vote would come on the Robison amendment to the Nedzi-Whalen amendment.

Mr. GUBSER. Then, if that vote fails, the vote would come on the Mink substitute?

The CHAIRMAN. That is right.

Mr. ANDREWS of Alabama. Mr. Chairman, there is not any question but that this amendment is a popular amendment, because all Americans want this war to end. It seems that it has been with us "since the memory of man runneth not to the contrary." It is the same war that should have been won in Korea 20-some-odd years ago and could have been won if we had followed the advice of that greatest of all Americans, Gen. Douglas MacArthur.

Mr. Chairman, the issue was the same then as it is now, trying to stop Communist aggression. The enemy was the same, the Communists.

Now, I am somewhat of a hawk. I have made many speeches from the well of this House calling on President Johnson and President Nixon to either fight to win or get out. You should never get in a war unless you are willing to use all the resources of the country to back up the young men who are out facing the bullets.

So, when the former President and his successor, the present Commander in Chief, announced to the world that we were not fighting to win, I was ready then to back the ships upon the beaches and tell the boys to turn their backs on the enemy and run and get aboard those ships.

Mr. Chairman, a man told me years ago when I was District Attorney:

> Do not ever pull a gun on a man unless you are ready to kill him.

That is good advice for a human being and is equally good advice for a nation. Do not ever send a young man out to a war unless you are willing to back him up.

Mr. Chairman, the most important question before the American people in my humble opinion is the return of those poor unfortunate prisoners of war. How on earth can you get those prisoners returned when you are operating from a standpoint of weakness? Every time you withdraw troops from South Vietnam, you weaken our position.

Last year we had a high-ranking military man before our committee, and I told him that I admired his optimism about the Vietnamization program, but I did not share his views. I said, "General, if all these if's that are cranked into the Vietnamization program come to pass and we equip the South Vietnamese and we train them, I want to ask you a $64 question—will they have the capability and the determination to protect their country?" He said, "Mr. ANDREWS, that is a $128 question, and it is a question that remains to be answered."

Mr. Chairman, in view of the experience which the South Vietnamese had in Laos not too long ago, that question might have been a $500 question, which I asked that General.

Now, 2 weeks ago the Air Force people were before our committee, and I asked them if they still had the remaining capability in South Vietnam to put the port of Haiphong out of commission. His answer was "Yes." I said, "How long would it take?" He said, "Two weeks."

Mr. Chairman, 85 percent of the materiel of war that are used to kill our men in Southeast Asia goes through that port of Haiphong. I said to that General, "It is unfortunate that we did not do it 8 years ago."

Mr. Chairman, one of the saddest by-products of this war is that a whole new generation of dope addicts are being bred in Southeast Asia.

We had a general before our subcommittee week before last. I asked him how long it would take a young man to get hooked on that pure heroin, as easily as it is available and as cheaply as they can buy it, and he said, "One week." A young man was reported to me as having said 90 percent of all the men in his company were addicted to heroin.

So, Mr. Chairman, of course, to vote for this amendment would be popular, because the American people want this war to come to an end.

Mr. Chairman, I oppose the amendment, because I do not want to put a stumbling block in front of the President.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American involvement in Vietnam has been a long and sad one. In retrospect it can be seen that most every move made there has been unwise. This dates from the initial decision of President Eisenhower in 1954 to send advisers. Parenthetically, it may be noted that Vice President Nixon advocated sending troops at that time. Since then Presidents Kennedy and Johnson must share discredit for a continuing escalation of the conflict.

For years our leaders had an alternative that could have been followed, and that in my view the majority of the people supported. This was simply that we should choose to fight the war on a full-scale basis to win as soon as possible or to quit and get out as soon as possible. Our leaders would never make this decision, however. When President Nixon came into office in January of 1969, these options still remained. Instead of winning the war or getting out of the war we have stayed on indefinitely. Though President Nixon is bringing our troops home, he is not doing it as fast as he should. His basic rationale for delay is the concept of "Vietnamization." Most objective thinking Americans know in their own hearts and minds that Vietnamization will not work. We know that within weeks or months of the withdrawal of American troops and support, the Saigon government will fall. Our Government has now been following the President's program of "Vietnamization" for approximately 2½ years. During that period, 20,000 young Americans have died and over 50,000 have been hospitalized in Southeast Asia. Vietnamization is not worth one American life or one American casualty. And it is also clear that Vietnamization has retarded efforts to have our prisoners of war returned. The best evidence now is that setting a specific withdrawal date will be helpful in negotiating release of those 1,100 or so prisoners.

Our disillusionment, disappointment, despair, and sorrow for our killed and injured American men is now compounded by reliable assertions that for every American now being killed, we are returning to our society a Vietnam veteran addicted to narcotics. Scarcely a week goes by without such a case from my district coming to my attention. The grief that is beginning to pervade our people as a result of this alarming development is incalculable.

Today marks the first time, Mr. Chairman, we in the House will be recorded on the issue of setting a specific withdrawal date—December 31, 1971—to have all of our troops out of Vietnam. During my period in the Congress I have been reluctant to be critical of the President on conduct of the war, realizing that he did not create the problem and further believing that he was sincere in bringing the troops home. Though I have often said that he was not bringing them home fast enough, he at least was moving in the right direction. I have tried to resolve all doubts in favor of the President for as long as possible. The point has now been reached where I can no longer do this. There is no justification for continuing to delay. Let us support the Nedzi amendment. Let us return our troops now.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. Americans have been extraordinarily patient in waiting for the ending of the Vietnam war—the longest and most inconclusive in U.S. history and the most marginal to our vital interests. When Nixon beat Humphrey in 1968, in part because he seemed less a prisoner of past Vietnam policies, would anyone have imagined that well into the 3d year of his term, the United States would still be so heavily involved in the war? It is time to get out.

Almost no one outside the White House any longer believes that the President's refusal to commit himself to total withdrawal will win concessions from the other side. This makes it difficult for the public to accept the President's policy.

Whatever the particular date, the President should proclaim one publicly. This would revive understanding and support of the President, eliminate the uncertainty, and enable us to set an honorable post-Vietnam course. It would change the entire atmosphere and show that the Government is in control of events and has firmly chosen its course. A prolonged and open-ended withdrawal will further divide the country and may put great pressure on the President to accept terms in the end that are truly shameful.

From the point of view of those who favor a strong America, we need to end the war quickly before anti-Vietnam emotions cause us to cut defense spending, out of anger and frustration, without regard to national security and to retreat into neoisolationism. A strong America is the only thing that maintains the security of all free nations in the world, as Israel knows. Anger and rising frustration over Vietnam threatens to undermine our ability to carry out this role.

We need to end the war quickly so that we may begin to restore confidence in the military. Morale is badly undermined. The examples of "fragging" officers are not uncommon. We have recently learned the chilling news that 10 percent to 15 percent of all U.S. troops have developed a heroin habit. The soldier going to South Vietnam today runs a far greater risk of becoming a heroin addict than a combat casualty. This is one more heart-rending reason to get out.

We need to end the war quickly in order to have our prisoners returned. Negotiations have proved fruitless. There is no real bargaining leverage in a residual force. It is more hopeful to rely on the age-old tradition of warfare—exchanging prisoners at the end of hostilities.

The war will end and we must be prepared to handle the historic aftereffects of our tragic intervention in that struggle.

We should not talk as though we were a nation of war criminals, as the rhetoric of the left would have us do. There can be no question that the North Vietnamese began this war in South Vietnam and Laos, and carried it on with the utmost ruthlessness. Our intentions were honorable—to support the principle of self-determination and to help small countries resist aggression as we had rightly and successfully done in North Korea. We made a serious error in misjudging our capability and that of our allies to carry on such a war successfully, and to do so without being drawn into other kinds of atrociousness.

We should not berate ourselves for having lost a war. Rather, we should consider that our intervention has not been entirely in vain. For one thing, the danger of widespread resort to "wars of national liberation" for expanding Communist domination has lessened. Second, Communist China now no longer seems in an expansionist, belligerent mood but in improving relations with the rest of the world. Third, the North Vietnamese may have suffered to the extent that they must concentrate on their own reconstruction and cease for a time at least to be a troublemaker in Southeast Asia. Fourth, the war provided time for other nations in the area—Thailand, Malaysia, Singapore, Indonesia—to strengthen and modernize their countries. Fifth, the United States has learned a valuable though costly lesson through this tragic and divisive experience.

We have learned the limitations of our power, and that we cannot control events in distant parts of the world. We will emerge a wiser and more mature nation.

There is now a national consensus on withdrawal; the fear of a rightwing backlash that we lost the war is no longer a threat as it might have been a year ago. We have done enough. Withdrawal will bring an enormous sigh of relief in this country. It will "bring us together" like nothing else. Let us have peace with healing in its wings and begin the task of binding up our wounds.

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 8687, and wish to take this opportunity to commend our distinguished colleagues on the Committee on Armed Services for the most thorough review of individual items in the budget of the Department of Defense we have seen in many years. By careful scrutiny of each item they have managed to reduce the overall total authorization by some $18.5 million, a remarkable accomplishment in this year of constantly accelerating costs.

I also believe the committee majority is to be commended for resisting an effort to so amend the bill as to attempt to legislate an end to our military engagement in Southeast Asia, an amendment offered by some of our colleagues with what I believe are the best of intentions, but one which would dangerously tie the hands of the President in his efforts to bring our boys home safely at the earliest possible date.

In the 2 years since Vietnamization began in South Vietnam, the number of our men has been reduced by 294,800, and the President has pledged that another 63,200 will be home by the end of the year, leaving a residual force of 184,000 or less. It is difficult to believe that any American citizen really thinks the President does not feel more deeply than any other man the responsibility for the 247,200 fighting men who remain in Southeast Asia and that he is not exerting every effort to end the conflict. Yet such belief could be the only possible reason for supporting an amendment to this legislation which would be gleefully broadcast throughout the world by the enemy and pose as grave a danger to the men who still fight for us in Vietnam as do the North Vietnamese bullets.

I am disturbed by the seemingly casual manner in which some proponents of this amendment brush aside the fact that our repeatedly announced intention not to expand the war into North Vietnam, our repeated pledges of a cease-fire whenever the North is willing, and our several bombing halts, have yet to elicit the first word of commitment from the North Vietnamese that they will even abide by the conditions of a cease-fire once all Americans have been withdrawn. Even more disturbing to me, perhaps because time has only slightly dimmed but will never erase the memory of the filth and desolation I knew during my months as a prisoner of another enemy in another war, is their expressed confidence that we can expect the same barbarians who are now bayoneting and torturing our men in their prison camps to suddenly become civilized and return them to us in good health when we have removed the last weapon with which our President can negotiate, our armed resistance to their brutal aggression.

I am sure that no Member of this House disagrees with the earnest desire of the proponents of this amendment to see an end to this war. Without question it has been the most frustrating and fruitless conflict in the history of this Nation, the end too long in coming and the cost unbearable in human lives and money. It has placed a heavy burden on our economy, our manpower, and especially on our servicemen whose sacrifice for their country is unlimited.

One of the most unfortunate consequences of the conflict is the fact that it has so divided the American people that it is now almost impossible for the President as Commander in Chief to conduct the foreign policy of the Nation without the Communists questioning whether or not he is speaking and acting for all the American people. Never before in the history of the Nation have American boys been required to fight on foreign soil without the confidence that they have the complete support of the American people. By instant satellite communications from home they now see rioting on streets and campuses in America by Americans protesting the actions they are commanded to take.

This situation has become intolerable for those who remain in Vietnam. It is an impossibly severe blow to the high morale which is essential to the proper conduct of military actions. Regardless of our individual attitudes toward the Vietnam conflict, all of us owe these brave men all of the morale support we can give them until the last American boy, soldier or prisoner, has returned home.

Mr. Chairman, I urge support of H.R. 8687, and defeat of this crippling amendment.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. EVANS of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. ARENDS

Mr. ARENDS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 5 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. ARENDS).

The question was taken; and on a division (demanded by Mr. EVANS of Colorado) there were—ayes 89, noes 39.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing seeking recognition.

Each Member will be recognized for 2 minutes.

PARLIAMENTARY INQUIRY

Mr. BOGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. BOGGS. Mr. Chairman, will the Chair state the time specified in the motion just adopted.

The CHAIRMAN. The motion provides that all debate on the pending amendment, and all amendments thereto, close at 5 o'clock.

AMENDMENT OFFERED BY MR. M'DADE TO THE SUBSTITUTE AMENDMENT OFFERED BY MRS. MINK

Mr. McDADE. Mr. Chairman, I offer an amendment to the substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. McDADE to the substitute amendment offered by Mrs. MINK: in the last line strike the word Laos and the period and insert the following: "Laos, *Provided*, That all U.S. prisoners of war under control of the North Vietnamese, the Viet Cong or their allies, be released not less than four months prior to the above date; and *Provided further*, That the government of North Vietnam, the Viet Cong and their allies shall do nothing to interfere with the safe withdrawal of U.S. troops."

Strike subsection 401(b).

Redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

(By unanimous consent, Mr. YATES yielded his time to Mr. McDADE.)

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 4 minutes.

Mr. McDADE. I thank the gentleman from Illinois.

Mr. Chairman and my colleagues, I realize that the hour is getting late, that time has been limited, and we are in a difficult parliamentary situation. Let me explain to you, if I may, exactly what I was trying to do.

I have offered an amendment to the substitute that was offered by the gentlewoman from Hawaii, Mrs. MINK, and an amendment that goes right back to the language of the original Nedzi-Whalen amendment, with one, as I view it, tremendously important addition. The language that I offer in this substitute provides as follows, and I would like you to listen to it:

Provided, that all U.S. prisoners of war under control of the North Vietnamese, the Vietcong or their allies, be released not less than 4 months prior to the above date—

The above date being December 31, 1971.

I think that we in this House have had a good and constructive debate during the past few days, a debate that I concede has caused some confusion, both at home and in this Chamber. All of us have received telegrams. We have received postcards and letters indicating the confusion that exists. There has been confusion on the floor of the House of Representatives among members regarding the import of the Nedzi-Whalen amendment. I think with commendable candor the gentleman from Ohio has spelled out rather clearly what is in this amendment, the Nedzi-Whalen amendment, and what is not in this amendment.

I think probably all of us had occasion, or most of us, to see the editorial that appeared in the Washington Post just a few short days ago indicating what was not in the Nedzi-Whalen amendment and what was in it.

The Washington Post stated:

The . . . Nedzi-Whalen amendment, which is to be voted on today in the . . . House . . ., would not "end the war" or automatically retrieve the American P.O.W.s or guarantee the safe exit of American forces, or least of all, assure a Vietnamese reconciliation. Any such claim promises more than the amendment can deliver and invites further frustration and disillusionment.

The fact is, stated the Post, the amendment can only be symbolic.

As I indicated before, our distinguished colleague, the gentleman from Ohio, makes the thrust of his amendment clear. His comments in the RECORD disclose that his amendment will not require that troops be withdrawn from South Vietnam after December of this year. It will not cut off the pay of any American troops remaining in South Vietnam after the effective date of December 31.

And so, as he stated yesterday, the amendment is a message. And that seems to be the centrally agreed upon point, whether the amendment be referred to as a symbol, or signal, or message.

I ask to do one thing with this signal. I ask to signal the world that the House of Representatives today serves notice that we will not withdraw from Vietnam by December 31 unless, at least by August 31, all American prisoners of war have been returned. I do not believe that it is an earth-shattering change in what a lot of us feel. I think it is a change, however, and an important change in the mechanism that we send out to the world, if a signal is voted on here today, when we give notice. I think what we ought to demand and what we ought to serve notice of is that we seek some sort of reciprocal action on the part of the North Vietnamese in return for a withdrawal by December 31.

For myself this is it. For myself this is the key question, I think, that remains. Our Nation, through the expenditure of innumerable resources and tens of thousands of lives and hundreds of thousands of wounded, has discharged any debt we might have to the government of Saigon. The time has come for the people of South Vietnam to determine their own destiny. Seventeen years of training is enough. Over 5 years of Americans fighting a South Vietnamese war is enough. In my viewpoint, there is one debt that remains outstanding, and we cannot avoid it, however difficult. That is the debt that we owe to our POW's and to those who are missing in action.

So I offer the amendment in the hope that all of you might be able to support it and to tell the world—yes, we may get out by a terminal date of December 31, but we want one thing in return by August 31: release every American prisoner of war.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. I compliment the gentleman in the well, and point out that this is the most meaningful amendment that has so far been offered. It is in keeping with my belief that after the return of our prisoners all of our forces should be brought home as quickly as possible thereafter. I support the gentleman's amendment.

Mr. HARVEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Pennsylvania (Mr. McDADE). Since his inauguration on January 20, 1969, I have considered myself a stanch supporter of President Nixon and his policies, both foreign and domestic. Just last week, I appeared on a television program which regularly appears in my district and highly praised the manner in which he had taken over a most difficult situation in Vietnam, and had succeeded in withdrawing more than half of our troops. I said then, and I repeat, that I believe President Nixon's first term in office will be remembered chiefly because he brought an end to the war in Vietnam and succeeded in withdrawing our troops.

The Vietnam war, however, is the longest war in our history. Moreover, it is an undeclared war. The hardship and sorrow that it has created here at home have long been apparent. It is said that we should leave the decisions as to our future participation to the President. The Constitution does not give sole authority in this field to the President, however. The Congress also has the duty to exercise its judgment.

The plain facts which are available to the public at the Pentagon are that the South Vietnamese now have more than 1,100,000 men under arms. This force includes men trained in planes, helicopters, tanks, and other sophisticated weaponry. At best, using the Pentagon's own figures, the number of North Vietnamese and Vietcong in South Vietnam total something less than 250,000 men. The total military strength of North Vietnam is estimated at less than 325,000 men.

In other words, the South Vietnamese have at least 2-to-1 numerical superiority and most estimates place that figure as high as 4 to 1.

In making the decision whether it is time to withdraw, it is also fair to take another look at the Government of South Vietnam. By December 31, 1971, that Government will have undergone elections in every village and Province and on a national scale for the second time. Regardless of who is elected President, this is a real achievement and reflects stability.

I can readily understand why it is difficult to make the decision that it is time to withdraw. Certainly, undertaking the training and equipping of a military force of more than a million men, and providing guidance in the formation of a government, both of which we have done, will be recognized by history as herculean tasks. I submit, however, that we can train and equip this military force, but we cannot instill the will to resist aggression. We can give counsel in the formation of a government, but we cannot instill in those who shall rule, or in those who are governed, the same appreciation of freedom, tolerance, and the freedom from corruption that we enjoy in our own Government.

I believe that during one of my recent visits to my district, a mother put the matter in perspective better than anyone else I have heard. As we discussed the war in South Vietnam, and as I defended the length of time it was taking to train the South Vietnamese force so that it could defend itself, she said:

I don't agree, Mr. Harvey. My son was drafted in April, sent to Vietnam in September, and killed in October. It only took six months to train him. Why should it take more than three years to train the South Vietnamese?

Needless to say, Mr. Chairman, it was a difficult question to answer. It serves to illustrate, however, that measured by the training we give our own men, certainly we have done as much as can be reasonably expected in the training of the South Vietnamese.

I am inclined to agree with Senator MIKE MANSFIELD who said yesterday, and I quote him:

If they (the South Vietnamese) aren't ready now after 17 years of being advised, equipped, trained and financed, they'll never be. They've got the seventh largest army in the world.

By any standard of measurement, the South Vietnamese are as well prepared as we can train them to stand on their own feet and defend their country. For this reason and for the many reasons so well expressed in the Saginaw News editorial dated June 13, 1971, which follows, I believe that by the end of this year the time will have come for us to withdraw our troops and to turn over the task of defending themselves to the South Vietnamese.

Any such resolution setting a date for withdrawal, however, should make clear that our action is conditioned upon first, release of the prisoners of war under control of the North Vietnamese, as well as those held in the South or in Laos or Cambodia, and second, a guarantee of the safe withdrawal of our troops. In my judgment, such a congressional resolution setting a date for withdrawal could be of substantial help to the President in making clear our determination to secure the release of our prisoners of war, and at the same time the safe return of our troops.

The amendment offered by the gentleman from Pennsylvania does all of these things. It declares that we are ready to end our role in Vietnam, but it says that we will only do so upon release of our prisoners of war and the safe return of our troops. I shall strongly support it. Unfortunately, the Nedzi-Whalen amendment, which has been so highly publicized, fails in this regard.

The Saginaw News editorial follows:

IT IS TIME TO DECLARE DECEMBER 31 VIET DEADLINE

These must be difficult days indeed for the families of men held prisoner in Vietnam. And they must be equally difficult for those who have sons or relatives serving in Vietnam.

The lack of national purpose in this whole mess—called Vietnam—crystallized last week with the charges and counter-charges that flew in Washington.

There was the plan offered by former Defense Secretary Clark Clifford, which, in brief, called for announcement of troop withdrawal by Dec. 31. Mr. Clifford said he had been assured that the prisoners would begin being released 30 days after such an announcement.

As has been the case in so many of these proposals, there was a high amount of intrigue. Clifford would not name his source of information offering such an assurance on prisoner release.

Meanwhile, back at the negotiating table in Paris, no one was saying anything that definite to our top negotiator, Ambassador David E. Bruce. He said the Vietnamese Communists are playing politics of a most reprehensible variety.

Then U.S. Sen. Edward M. Kennedy got in his licks. He charged that President Nixon's Vietnam policy is politically motivated. Not so, said U.S. Sen. Hubert H. Humphrey, titular head of the Democratic party. Sen. Humphrey went on to say that he believes the President wants peace.

And on it goes, week after week, seemingly without end and without too much hope. The war—the war—the war.

This newspaper carried a report Thursday that U.S. casualties in Vietnam were the lowest in 5½ years—19 American lives in the preceding week. Small comfort for 19 American families who must have to ask themselves: What did our son die for? There indeed is the question. Certainly not to make Vietnam free for democracy.

The South Vietnam political campaign is already moving into high gear. The president and vice-president of that country are counting noses and getting their respective political machines into action—as opponents. To put what they call politics into perspective, let's not forget the man who opposed the present South Vietnamese administration in the last election. At last report he was still in prison, but there have been no reports of anyone actually seeing or talking with him.

Obviously the opposition has to put the highest of stakes on the line if there is to be opposition. That's not democracy. That's a police state.

With due respect to Mr. Nixon, it becomes more and more difficult to justify staying one day longer in Vietnam. We fear we could be there forever and never accomplish the objective of seeing a stable government calling the shots in Saigon. We've been there since the late 1950s—just think of that for a minute or two—and yet we are told more time is needed to adequately prepare the South Vietnamese Army to defend its country.

Mr. Nixon has accomplished much to wind down the war. He has achieved results that his predecessors did not. When he took office, he inherited a problem as big as any incoming president could inherit. And he has moved toward a solution with determination and directness. He must be credited with setting a course that is getting us out—and the administrations of neither Lyndon B. Johnson nor John F. Kennedy could make that claim.

But we share the view of U.S. Rep. James Harvey that complete withdrawal from Vietnam by the end of the year should be our goal. We hope the President will come around to this point of view and make corrections in his timetable to achieve that result.

When one puts the whole efforts we have made in Vietnam on the scale of values, there is no balance. To say that the war has never had broad public support is an understatement. The fact that its manpower needs were met by a draft system that was grossly unfair and undemocratic in nature and organization says something about public attitude.

There have been a number of ways, including college deferments for those who had the ability and could afford to attend college, to avoid service in Vietnam—or service in the armed forces for that matter. The Army has had a recruiting practice of promising service in Germany for those who sign up for a full hitch. We submit that a nation concerned dedicated to a cause would have never let this situation exist all these years.

And just how have we treated the men who risked life and limb in the service of their country in Vietnam? Shoddily. Veterans are having an extremely difficult time finding employment, once they are mustered out. In relative terms of the returning World War II vet and the Viet vet, the boys who served in Vietnam are a poor relation in terms of opportunities for employment, education training in comparison to the lot of the World War II vets.

And what about those thousands of Vietnam vets who probably will spend the rest of their lives in hospitals? How much concern as a nation have we really shown for them? Not very much.

We have been dismayed over reports that many of those coming home from Vietnam are returning hooked on heroin. And we are just beginning to acknowledge that problem.

We couldn't very well let it go unnoticed. After all, the dope traffic is becoming a political issue in Vietnam with allegations that there are persons in high government places who are masterminding the narcotics traffic.

And when we get reports that some men are re-enlisting to return to Vietnam because they can sustain their drug habit for $2 a day rather than the $60 to $100 it costs stateside—we submit it is high time to be concerned about what we are involved in over there.

This war has torn the country apart. It has divided our government. It has alienated our youth. It has been a source of anguish and grief for almost 60,000 families which have lost sons and thousands more who saw their sons come home without arms, legs or perhaps their eyesight.

In prosecuting the war over the years, we have created a class of wealth in Vietnam whose members have lived off an enterprising black market. We have supported governments that proved to be highly corrupt. And we have had to face the world with the scar of My Lai on our collective conscience.

In view of all this, we see little hope for accomplishment in the next 12 months that couldn't be achieved in the next six.

We urge complete withdrawal by Dec. 31 so that not one family will lose a son in 1972. It would be a great prospect for beginning a new year.

The CHAIRMAN. The Chair recog-

nizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

I do so because I believe that approval of this amendment is the very least the House can do in response to the overwhelming desire of the American people to end this war.

I cannot in good conscience profess to believe that the amendment will indeed terminate the war in Indochina by December 31, 1971. It is riddled with escape clauses that, in effect, give the President authorization to continue the war and to disregard the will of the people, if he so decides. There is some value, however, in having Congress on record for a specific date for a cutoff of funds for the war, even though under this amendment it would be expressing a pious wish rather than inescapable mandate.

The discussion today has gone into the questions of the weaknesses and the symbolic quality of Nedzi-Whalen, including the fact that it may mislead the American people.

That last argument is entirely spurious. Adopting the Nedzi-Whalen amendment today might mislead the American people, but it would be a great kind of misleading, because there would be basically a restoration of faith and confidence of the American people in the House of Representatives and their Representatives in it. It would be a great kind of misleading.

It is about time Congress used its power under the Constitution and exercised its obligation to represent the people of this country by cutting off funds and withdrawing our troops before the end of the year.

It is very germane and very correct, therefore, that the Nedzi-Whalen amendment is coming up in connection with the $21 billion Defense Procurement Authorization Act. This bill contains authorization for billions of dollars for missiles and weapons while we cannot get the kind of money we need for education, or the money for health, housing and all the other priorities so desperately needed in this country.

This would show the people that Congress finally has come to its senses and recognizes that even as it considers authorizing an unjustifiably large military budget, that it must cut off at some point and does cut off the war in Indochina, the worst example of our incorrect military policy.

I have said that I consider adoption of this amendment the very least that Congress can do. I am told that the language had to be punched full of loopholes in order to make it palatable to a large number of Members of this House. It is a shocking measure of the insularity of this body and the unreality pervading its cursory debate that the Members should have to be coaxed along so gently and deferentially into taking the first tentative step toward doing what they should have done long ago.

The war has been on for 10 years, and for 6 of those years our troops in huge numbers have been fighting and dying to save the neck of one hopelessly corrupt and undemocratic regime in Saigon after another. Almost 50,000 or our troops have died, a quarter of million have been wounded, some maimed for life, and now our remaining troops, in epidemic proportions, are turning in despair to heroin.

The American people have long since repudiated this war, three-fourths of them and just yesterday the conference of mayors. Their wisdom in doing so is borne out by the revelations in the Pentagon study of the war which shows that our involvement in this tragic conflict dates back to a decision by President Truman to side with the French colonial interests against the Vietnamese population which had fought violently against the Japanese and felt it had earned its right to freedom. The study traces the step-by-step descent of successive administrations into a wrong policy based on deceiving the American people and the Congress and escalating a minimal commitment into a massive and unspeakably brutal war.

Although we are told that the Pentagon study followed the war only through 1968 I should like to say to Mr. HÉBERT, the chairman of the Armed Services Committee, and to Mr. ALBERT, the Speaker of the House, that we in Congress can have no confidence that we are not getting the whole truth about our Nation's continuing role in that war. We have repeated ambiguous statements from the President and other administration spokesmen about their plan. At times they speak of total withdrawal at some vague, indeterminate date. At other times, we are told that a residual force will have to remain in Indochina indefinitely, and that bombing missions, whether based in Indochina proper, offshore, or in Okinawa will continue to be authorized. This is not a prescription for ending a war, but rather for prolonging it. And by insisting on linking continuation of the American presence to the stability of the Saigon government and its ability to defend itself, President Nixon is perpetrating the follies of his predecessors. Our task, Mr. HÉBERT and Mr. Chairman, is to do honor and give support to the President if he is right, but to restrict him and check his power when he is wrong—and he is wrong.

Mr. Chairman, the American people have a right to know the full details of all policies relating to the continuation of this war. I commend the New York Times for its decision to publish the McNamara papers and support its right under the first amendment to do so. And I condemn the Government's attempt to keep this vital information from the American people. This is clearly in the public interest, and perhaps the editors of the Times have learned something from their past mistake in repressing the news of the contemplated Bay of Pigs invasion, which so quickly turned out to be a fiasco.

I believe the Congress, which under the Constitution is given the power to declare war and peace, should have full access to the entire McNamara study. Accordingly, at the appropriate time, I shall introduce a privileged resolution of inquiry under which the House can require members of the executive department to provide it with full information. I shall request that the President, the Secretary of State, the Secretary of Defense, and the Joint Chiefs of Staff provide the House with the complete text of the McNamara study and also with all documents, reports of other material relating to estimates of the military strengths of the Saigon Government, its potentiality to maintain its defense without military or financial help from us, its popular support, its repression of neutralist and peace movements within South Vietnam, its election plan and procedures, its jail system, and the involvement of the members of the Government, if any, including members of Parliament, in drug traffic.

I believe this information is necessary to enable the Congress to make a realistic assessment of the prospects for a speedy and total termination of the American military role in Indochina.

There is ample precedent for a resolution of inquiry. Most recently, it was introduced in 1950 by Representative Lodge in requesting information about Formosa from the Department of State. Once introduced, the resolution is referred to the appropriate committee, which then must report it out, either favorably or not, in 7 days. I hope that other Members of the House will join me in proposing this inquiry.

Finally, I ask my colleagues to heed the will of the Nation and to approve the Nedzi-Whalen amendment. As the Washington Post pointed out yesterday, this would at least provide an expression of national torment over the war and the country's profound skepticism that the President, any President, can be trusted to wind it down." We should do much more. I do not see how we can do less.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas (Mr. PRYOR).

Mr. PRYOR of Arkansas. Mr. Chairman, over the course of 4 years in Congress, we have together seen the issue of Vietnam ebb and flow, discussed, thrashed out, debated, and yet the war goes on. It has now become the longest war in the history of America. The Pentagon issues its periodic weekly report which proclaims "only 76 killed in action this week," which, because the number is less than in the same week 2 years ago, is considered some sort of victory.

It is hard to conceive that 55,000 young men have been sent into an undeclared and unwinnable war to give their lives to an unknown cause and an unappreciative ally. Over a quarter of a million have been wounded—some to the extent that they will never see walls other than their hospital's for the balance of their lonely, long years ahead.

It was early 1967 when I first had to start deciding about Vietnam. Like so many, to do anything but "support the President" was bordering too closely on showing a lack of patriotism. Of course, we had known the late General Mac-

Arthur's admonition of never entering a land war in Asia—and we all became familiar with the basic cry of "win or get out"—but we did neither.

We believed the President. We believed the Pentagon. Just a few more thousand troops. Just a few more billion dollars. Just a few more months. After all, we were the world's most powerful people; how could we lose?

But the real truth was that we had waded off into quicksand. By 1968, not only our prestige but an entire generation was at stake. The country started coming apart. The system was challenged. Official fumbling, contradictions, and more rhetoric couched in terms of "honorable peace," "Vietnamization," and the like only added to our dilemma, rather than solved it. I soon began to see what was meant by the politics of war.

Time passed. Peace talks in Paris began—even a ray of hope now and then. But it was all false, all words and more rhetoric and more speeches promising a coming miracle for a facesaving, convenient, and glorious finale to the most horrendous of all American catastrophes.

For a long time, I sat silently by—hoping, and believing, like you, that the end was in sight. Now that even our President has said we will not win a military victory in Vietnam I believe:

First, that Vietnam is not worth one more American life;

Second, that we should come home now;

Third, that funds to support our present policy in Vietnam should no longer be continued;

Fourth, that the Congress must be an integral part of the decisionmaking power to commit our sons to foreign lands in the future.

(By unanimous consent, Mr. PRYOR of Arkansas yielded his remaining time to Mr. RYAN.)

Mr. RYAN. Mr. Chairman, I support the Nedzi-Whalen amendment, which would prohibit the expenditure of funds authorized in this bill after December 31, 1971, in support of U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. I support it because I believe it is time the Congress asserted its constitutional responsibilities in this area.

The amendment itself has certain weaknesses. I wish it were stronger. I would prefer, as every Member in the Chamber knows, an amendment which would terminate the war immediately—without waiting 6 months or another day. I am not in sympathy with the loopholes in the amendment, particularly the language which gives wide discretion to the President. This could negate the whole purpose of the amendment.

However, the amendment, if passed, would be a major step toward ending our involvement in this dead end war, it would be an expression of congressional determination to assert the constitutional responsibility which Congress has abdicated as a body over the past 7 years.

I have said time and again that the only way the war is going to be brought to an end is through congressional action, by exercising our power over the purse and prohibiting the expenditure of any additional funds for its prosecution.

Despite what he says, despite his rhetoric, the President of the United States has no plan to end this war. He says he is winding it down. What that means is that fewer American lives are being sacrificed, and the war is being made more palatable solely in terms of statistics counting American dead and wounded. Vietnamization means a continuing loss of Vietnamese lives and a continuing American presence to prop up the Thieu-Ky regime.

Several weeks ago, when the Selective Service Act amendments were before the House, I offered an amendment which would have set December 31, 1971, as the end of this perfidious war. Unfortunately, that amendment was defeated on April 1. Today, we have another chance to vote for what is right and what is decent and what is necessary. We cannot squander this chance also. Our duty to our Nation, to our constituents, and to humanity, demands that we, in this body, vote to end the war in Southeast Asia.

Yesterday, in the Senate, the McGovern-Hatfield amendment was defeated. Today, we, in the House, must act to end the war. Thus far, the people of America have been left largely powerless. They want an end to the war—at least 73 percent of them, according to the Gallup poll.

Actually, the issue of numbers of people wanting an end to U.S. involvement in the tragedy of Southeast Asia is really beside the point. I have voted against every appropriation for this war, since the first bill appropriating money for military activities in Vietnam came to the floor of the House on May 5, 1965. I would venture to say that in 1965 and 1966 and even later than that a majority of Americans supported the then President in his conduct of the war.

The issue has never been how many people the polls register as opposed to the war. The issue has always been the morality of the war. And on that issue, the balance has never been in doubt. This war is wrong; it is misguided; it is insane. The United States intervened in what began as a civil war. It has used every means, short of nuclear weaponry at its disposal. Free fire zones, search-and-destroy missions, massive defoliation, massive bombing—all of these have been the devices used to leave this Nation's signature on a hapless land thousands of miles away.

In the pursuit of its policies, this Nation has supported successive despots in power in South Vietnam. The democracy some have claimed we have been fighting to preserve in that land, or to engender in that land, is alien to the regimes which have held sway there. Today, it is Thieu and Ky. The same Thieu and Ky who jail thousands of political prisoners; the same Thieu and Ky responsible for the tiger cages on Con Son Island.

The recent publication in the New York Times of the Pentagon study of our Vietnam policies reveals the duplicity and deception which have led this Congress and this Nation down a path of despair and destruction.

We, Congressmen, must end this war. The President will not. We must.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, reasonable men can differ on how best to get our prisoners back, but no reasonable men would argue that we would abandon them under any circumstances.

I would like to try to put these thoughts of ours in a new perspective. We have been talking to one another and we have been exchanging views and some emotion and some bombast. Suppose, instead of the Members of this House in the seats before us, we had 500 other men, the 500 who will in fact die—at least that many, the way things are going, at the rate of 20 a week—even befor the suggested "deadline" of December 31 of this year. Perhaps it is easier for us to explain to one another the importance of sustaining this conflict than to them. Because I can see how a hand would go up in the back and say, "Why must I die?" And I can see the answer being given, if it is taken directly from the administration, "Well, to insure that we get our prisoners back and, secondly, that the South Vietnamese have a chance to defend themselves."

Then, should another hand go up, the question could be put that we have been there 10 years and 6 in full combat. Is that not giving them a chance? But should another hand go up with the question, "What do you mean by the South Vietnamese getting a chance? Is it not true that a man who has been sentenced for political crimes is no longer able to participate in the political life of that country? So to which South Vietnamese are we giving a chance?"

Gentlemen, I find it difficult to answer the question. I do think that the admittedly symbolic response of the House under the circumstances should assure these young men and their parents that this Congress, while powerless to spare their lives, can and will act to save others to come. For such an act the time is now.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, like all Members of the House, I have agonized over the Vietnam war more than any other decisions on which I have had to reach a conclusion. As you have heard before in the well of this House, I was the next to last person to vote for the Tonkin Gulf resolution. I hesitated because I was concerned about the very things that have since developed. However, I have supported all of the administrations in their efforts to resolve this problem of Southeast Asia.

I have listened attentatively to the debate on the Nedzi-Whalen amendment, and I concluded, as I believe many of us have, that it does not do what the public has been led to believe that it would do—that is, stop the bombing and bring the

troops home by December 31, 1971. The fact is that it will not bring troops home one bit faster—it is only a symbol—and it is the wrong kind of symbol.

We, Mr. Chairman, cannot win this conflict unilaterally, nor will we be able to keep the peace unilaterally. The fact is it is going to take an international effort. So—as my contribution—I tried to come up with an amendment. It would create an international commission whose purpose would be:

First, to supervise an agreed-upon cease-fire.

Second, to supervise the arrangements for the release and exchange of prisoners of war.

Third, to supervise elections in South Vietnam in which all South Vietnamese individuals, parties, and groups, including those who have supported or served the Vietcong, could participate if they renounced violence, and were willing to abide by the results of the election.

Finally, it would have the responsibility to supervise the establishment and functioning of the interim arrangements for governing South Vietnam during the period between the elections and the establishment of a new government that might result from the elections.

Now, in talking with the Parliamentarian, I learned that this amendment would be considered non germane. During today's debate the point was made by our colleague from Illinois, (JOHN ANDERSON), that the Foreign Affairs Committee would be the place in which a forum for further consideration of this proposed creation of an International Peacekeeping Commission.

But, we will not be able to have any International Commission if we do not have the strength that comes from standing with our President in his efforts not only to turn the responsibility for the conflict over to the people of South Vietnam but also for the alternative of an International Commission.

Mr. Chairman, after World War I, we tried the League of Nations, and it did not work. After World War II, we tried the United Nations, and that has not worked. But we must keep on trying, because I think that is the universal hope of mankind.

Years ago, Mr. Chairman, Tennyson wrote, in the 1860's, at the time of the Civil War, a poem. This was long before the days of the B–1 or the SST—long before the days of the League of Nations or the United Nations. He wrote in "Locksley Hall":

For I dipped into the future, far as human eye could see,
Saw a vision of the world, and all the wonder that would be;
Saw the heavens filled with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rained a ghastly dew
From the nations' airy navies grappling in the central blue;
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging through the thunder-storm;
Till the war-drums throbbed no longer, and the battle-flags were furled
In a Parliament of man, a Federation of the world.
There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapped in universal law.

Now Mr. Chairman perhaps, long before the arrival of the day of envisioned by Tennyson—we can force a step toward peace in Southeast Asia. We can discuss in our Foreign Affairs Committee the internationalizing of this peacemaking and peacekeeping effort.

Mr. Chairman, we can win friends in other lands—and particularly in Southeast Asia—if in further debate we remind them and the other nations of the world that our goals here are no different than those for which we fought and sacrificed in World War I and World War II—and in Korea.

We in Congress have generally recognized that the executive branch—perhaps with the advice and consent of the Senate—have the major responsibility for foreign policy. The debate here today—and I believe the vote which will soon come—indicates that we still hold that the executive branch does have this major responsibility. My suggested amendment will, if it is further discussed before the Foreign Affairs Committee, encourage and seek international understanding. Furthermore, I believe it will support our noble effort to not only resolve this problem today, but to stabilize Southeast Asia for tomorrow.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. ARENDS was allowed to yield his time to Mr. KEITH.)

(By unanimous consent, Mr. FINDLEY was allowed to yield his time to Mr. KEITH.)

Mr. KEITH. Finally, it would have the responsibility to supervise the establishment and the functioning of the interim arrangements for governing South Vietnam during the period between the elections and the establishment of a new government that might result from the elections.

Now, in talking with the Parliamentarian, I learned that this amendment would be considered as not germane. I learned during today's debate that, the Foreign Affairs Committee hearings to which the gentleman from Illinois, Mr. ANDERSON, referred earlier would be the place in which I could find a forum for the consideration of this International Commission.

But, we will not be able to have any International Commission if we do not have the strength that comes from standing with our President in his effort to turn the responsibility for the conflict over to the people of South Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I find it virtually inconceivable that we now find ourselves in the position where many of us who are deeply concerned about our presence in Indochina must address ourselves to this extremely serious question within the period of 2 minutes. I find it even more inconceivable when I place in juxtaposition to this incredible time limitation the fact that thousands of American GI's fought and died in Southeast Asia, and the relatives, friends, and loved ones must carry the sorrow of the death of those GI's forever, and the many hundreds of GI's who fought in Indochina, and returned to this country as amputees who must carry the burden of the cruel war forever.

However, we as Members of Congress now must limit ourselves to 2 minutes on a matter of such grave importance to the American people. How paradoxial and tragic this has become.

Now, let me try to say something to you in the few seconds I have remaining, regarding the concern of millions of Americans who are standing and saying to the people's branch of the Government, the Congress: Assume your responsibilities.

I rise in support of the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK) because it does have substance, it does have meaning, and it does address the criticisms of those colleagues who based their objection to the Nedzi-Whalen amendment solely on the basis of the notion that the amendment is nebulous. It does remove all the objections, it sets forth a mechanism very loudly and very clearly to end this insane war.

Second, to place this issue in broader context, I think it is clear to many in this country that the U.S. Congress is perhaps the weakest branch of the Government on the Federal level, and the executive branch is growing stronger every day, and we are doing nothing about it.

We are taking no firm stand on ending an insane, illegal and immoral war in Indochina. Let us vote this substitute amendment into law in order to have a clear way to end this war, and replace and restore some faith in the people's branch of the Government by the people of the United States themselves. We must do that which we can, and that is to cut off the funds for carrying on this illegal and immoral war in Indochina.

Next we must address ourselves to the question of moral responsibilities, to assume some moral leadership in this country. For instance, how can we oppose violence in this country and fight an unconstitutional war in Indochina? I think this is a moral contradiction that millions in this country see and understand.

My final comment on this is that many people have said that war is hell. Then let us assume our responsibilities and support this amendment, and get the hell out of hell, and turn to using our human and economic resources to address the critical human issues that must be dealt with immediately.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, it is awfully hard to know exactly what to say at this point in the debate, when the

time has arbitrarily been cut off. I want to express my very deep sense of disappointment that the minority whip of my party would see fit to cut off debate on this issue. Our young men have been asked to go and fight that illegal war in Vietnam for 10 years, and yet in response to their sacrifices and continuing agony we restrict the debate to only allow 2 minutes for each speaker. This restriction brings shame and humiliation on this House. I am appalled that this should be done—and done by my party. I have never, in 5 years, been more disappointed in the judgment of the minority whip, the gentleman from Illinois, than I am today. It is little wonder that the people of America are coming to think of the Republican Party as a war party.

I heard Richard Nixon say, to my face, on the 22d of June in 1968 that if he were elected President he would end the war in 6 months. We are in the third year of this administration, and 18,000 young Americans have died under Nixon—and we cannot even debate that issue in this House Chamber.

Of course we ought to pass this amendment to end the war. This is the first time in 10 years that the House has even come close to having the courage to face a direct vote on the war.

We all know that this is not a perfect legislative vehicle, but that is due to the fact that the leadership of the House has steadfastly refused to bring to the House floor a straightforward resolution where we could vote—yes or no—to cut off the war.

Of course we should support the amendments before us, but when we only have 2 minutes to speak on them then I say that it is an indefensible practice—it is just indefensible.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, I yield my time to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Colorado. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I thank the gentleman from Colorado for yielding me his time.

Mr. Chairman, I would like within the 2 minutes that I have to make three or four observations regarding the debate concerning the Nedzi-Whalen amendment.

First, there have been some comments made that there is deception involved in this amendment. I would certainly hope, and I certainly believe that the Members of this body who made those statements are not accusing the authors of this amendment of deceit.

It was for this very reason that during the debate on Tuesday I outlined precisely what this amendment would do, and would not do.

The gentleman from Michigan, Mr. NEDZI, today during the limited time given to him did the very same thing.

Second, it has been stated that this amendment is meaningless. I would suggest to those who have made that statement that they would not support any amendment that would have the real effect of pulling out by December 31 all troops from Vietnam.

Third, I would point out that the Nedzi-Whalen amendment goes as far as we can under the germaneness rule.

As I mentioned Tuesday, the jurisdiction of this committee and thus this bill is limited. Consequently, this amendment is as far as we can possibly go under the circumstances. Fourth, I applaud the dean of this House, the gentleman from New York (Mr. CELLER) for his statement. Mr. CELLER very clearly pointed out that we, in this body, as well as the President, have the responsibility for considering and attacking the problems confronting our country.

Within the limitations of the jurisdiction of our committee and of this body, I certainly think the Nedzi-Whalen will do just that. I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I rise to support the Nedzi-Whalen amendment. I do so, however, with the greatest misgivings about the meaning, thrust and implications of this one slender chance by which the Congress can reassert its power over the military in America.

The extent to which the Congress of the United States has abdicated its constitutional right and duty to declare war and to appropriate funds for any war declared by Congress is dramatically demonstrated by the simple fact that the Nedzi-Whalen amendment is necessary. Never before in all of American history has it been necessary for the Members of the Congress to propose that their colleagues in the Congress join them in opposing the continuation of an undeclared war carried on by the President of the United States not in one country but in four nations.

My vote for the Nedzi-Whalen amendment is cast with the hope that the potential advantages of this amendment will not cancel out the very serious potential dangers inherent in the wording of this amendment.

The clearest and the most promising provision of Nedzi-Whalen is the proposal that "No funds authorized to be appropriated pursuant to this act may be expanded after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations or over South Vietnam, North Vietnam, Cambodia or Laos." This provision, as the coauthors of the Nedzi amendment have conceded, does not in fact require the war in Southeast Asia to be terminated on December 31, 1971. Appropriations from sources other than H.R. 8687 or the defense authorization bill for fiscal 1972 would be available to the President to carry on various military activities in Indochina.

If, however, the Nedzi-Whalen amendment contained only the language cited above it would at least provide some assurance to the American people that the Congress had expressed its wish in a relatively clear and forceful way that the military operations in Southeast Asia terminate at the end of this calendar year. The other provisions of the Nedzi-Whalen amendment unfortunately blunt and possibly even negate the thrust of the provision noted above.

In section (b) of the Nedzi-Whalen amendment it is stipulated that the President may return to the Congress with legislation "setting another date within the fiscal year which will permit the accomplishment of these objectives." The "objectives" are the "safe and orderly withdrawal of all U.S. military personnel from Vietnam" and the return of the American prisoners of war. There appears to be at least a bit of a contradiction in such a suggestion, if not an invitation, to the President since surely the objectives on which everyone agrees can in fact be carried out if the United States would announce a date of December 31, 1971, for the cessation of all American military operations in Southeast Asia.

Section 3 of the Nedzi-Whalen amendment which simply indicates that the proposal "shall not be construed to effect the constitutional power of the President as Commander in Chief" does not add anything except potential confusion to the situation.

Section (d) of the Nedzi-Whalen amendment is most objectionable on many counts. The section affirms the alleged fact that the President has the power to provide for "asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces." It is by no means clear that there is any inherent power in the President to give "asylum" to foreign nationals without some authorization from the Congress. Furthermore, there is a very broad assertion or grant of power to the President indicating that in the event that asylum is not appropriate he may use "other means" to provide for the safety of Vietnamese citizens. While the intentions of the authors of the Nedzi-Whalen proposal in authorizing "other means" are laudable, it can be feared that such a broad unspecified authorization could be another Tonkin Gulf resolution.

Section (d) of Nedzi-Whalen is even more objectionable in that it states that the proposed amendment "shall not be construed to affect the power of the President to provide—military and economic assistance to Cambodia, Laos, or the Republic of Vietnam." This, of course, is an extraordinary assertion in that it concedes the power of the President to continue giving military assistance not merely to Vietnam, but also to Cambodia and Laos. To those who feel as I do that the President had no authorization to invade Cambodia or to assist the invasion of Laos, any suggestion that he has an inherent power to continue military assistance to these two countries is objectionable in the extreme.

Once again, section (e) of Nedzi-Whalen suggests a very broad grant of

power to the President in that there is no limitation on the use of funds "for purposes which may be necessary to insure the return of prisoners of war." As much as one can be sympathetic with the plight of the prisoners of war and their families it does not seem advisable to extend to the President the broad power conferred in section (e) of Nedzi-Whalen.

Section (f) of Nedzi-Whalen insures the continuation of what is called "customary military personnel to diplomatic missions" in Southeast Asia. If this means simply military guards for Embassies and similar personnel there can be no objection. But if this is all that section (f) intends there is no need to include it in the bill.

Mr. Chairman, the hundreds of thousands of messages received by the Members of the Congress endorsing Nedzi-Whalen are but a small manifestation of the profound and intense desire of the American people to end our involvement in Southeast Asia. At the same time the ambiguities and the loopholes in the Nedzi-Whalen amendment constitute a manifestation of the indecisiveness and confusion of the Congress in not being willing to assert the inherent power of the Congress to end this undeclared war. A more vivid example of the unresponsiveness of our Government can hardly be imagined.

Mr. Chairman, despite my misgivings as explained above, I hope that the Nedzi-Whalen amendment to the 1972 military authorization bill will pass.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I do not know what is going to happen to the amendment now pending before the House, but I do hope that when the smoke clears, all Members on both sides will join me in signing the discharge petition now on the Clerk's desk urging the President to impose a moratorium on the sending of any further troops to Vietnam.

The only way we are going to get American troops out of Vietnam is not to send them there.

I have circulated through the Chamber a table I have prepared showing American troop rotation and troop reduction and, if the President's present troop withdrawal policy is unaltered, the rate at which we will become disengaged in Vietnam. The table shows all of our troops will be out of Vietnam by December 1972, under Mr. Nixon's present withdrawal rate. But, we will stop sending any more replacement troops by January 1972, because by that date our troop rotation rate each month will be smaller than our monthly reduction rate.

From May 1 until December 1, 1971, we will have rotated back home 138,000 boys who have concluded their tour of duty in Vietnam. The President has ordered that 100,000 of these troops not be replaced, in other words, as our boys are rotated home most of them are not being replaced. All I am asking the President to order a moratorium on any further troops to Vietnam so that the remaining 38,000 not be replaced. We can open up a new dimension for the peace talks in Paris and ask for the immediate release of our POW's and for an immediate cease fire.

My resolution does not interfere with the President's constitutional powers. This is a sense of Congress resolution, urging the President to announce to the world that after July 1 a moratorium will be placed on any further troop movement to Vietnam. As the boys are rotated back home under normal rotation, we will not replace them.

If you study my table you will see that between July 1 and the rest of this year, we will send only 22,000 more American troops to Vietnam. We can have a whole new dimension at the peace talks in Paris and we can capture the imagination of the world and we can stabilize the home front so that the hundreds of thousands of American families whose boys are faced with the draft or are now being trained for overseas duty can get their first decent night's sleep. I honestly believe such a moratorium would provide a new incentive for meaningful peace talks in Paris.

Mr. Chairman, I hope all Members will join in signing the discharge petition.

Mr. Chairman, I am including my letter and table "Projected American Troop Withdrawal from Vietnam," at this point in the RECORD.

PROJECTED AMERICAN TROOP WITHDRAWAL FROM VIETNAM

DEAR COLLEAGUE. Following is the projected U.S. troop withdrawal from Vietnam based on President Nixon's present troop reduction policy. If the President does not alter this policy after December 1, 1971, you can see that all of our troops will be out of Vietnam by December of 1972. Assuming the President will not reduce the withdrawal rate after December, 1971, and based on our present troop rotation policy, it is clear from these projections that no American troops would be sent to Vietnam after December of this year.

In other words, you can see that our monthly reduction rate will exceed our monthly rotation rate, and therefore, no troops will be sent after the first of the year. I have suggested that since we are talking only about 38,900 troops which will be sent to Vietnam this year, the President consider announcing a moratorium on all troop movements immediately. This would mean that as soldiers are rotated back home, they would not be replaced, and the remaining units in Vietnam would be consolidated with other units. It is my hope that such a moratorium will open a new dimension for the peace talks in Paris and obtain a cease-fire immediately as well as the return of our American POW's. My proposal in no way alters our present rotation policy. I have a Discharge Petition on the Clerk's Desk urging such a moratorium, and I hope you will join me in this effort.

ROMAN C. PUCINSKI,
Member of Congress.

Month	Total troops in Vietnam	Due for rotation this month	President Nixon's monthly reduction rate	Number of replacements to be sent to Vietnam during month [1]	Total troops in Vietnam at end of month
May 1971	280,000	23,333	14,300	9,033	265,700
June 1971	265,700	22,142	14,300	7,842	251,400
July 1971	251,400	20,950	14,300	6,650	237,100
August 1971	237,100	19,758	14,300	5,458	222,800
September 1971	222,800	18,567	14,300	4,267	208,500
October 1971	208,500	17,375	14,300	3,075	194,200
November 1971	194,200	16,183	14,300	1,883	179,900
Total		138,308	100,100	38,208	
December 1971	179,900	14,992	14,300	692	165,600
January 1972	165,600	13,800	14,300	0	151,300
February 1972	151,300	12,608	14,800	0	137,000
March 1972	137,000	11,416	14,300	0	122,700
April 1972	122,700	10,225	14,300	0	108,400
May 1972	108,400	9,033	14,300	0	94,100
June 1972	94,100	7,842	14,300	0	79,800
July 1972	79,800	6,650	14,300	0	65,500
August 1972	65,500	5,458	14,300	0	51,200
September 1972	51,200	4,266	14,300	0	36,900
October 1972	36,900	3,075	14,300	0	22,600
November 1972	22,600	1,883	14,300	0	8,300
December 1972	8,300	691	14,300	0	0

[1] This represents the difference between soldiers being rotated back and the President's monthly reduction factor.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I intend to vote for the Whalen-Nedzi amendment. I do not do so necessarily as a critic, blamefinder or an historian. I do only as one who believes the time has come for Congress to take a recorded position on this matter.

I have supported President Nixon's withdrawal policies, and indeed I campaigned in support of those policies. I applaud the President's actions in reversing the American involvement in Southeast Asia and in withdrawing our personnel and winding down our efforts. I take particular pride and pleasure in the fact that the President has met each deadline that he has set for himself.

Nevertheless, I am personally weary, and, in my judgment, the citizens of my district and of this country are also weary of our involvement in Indochina. While endorsing the President's withdrawal program, I strongly believe that it should be accelerted and that the people of this country should be given some assurance that our efforts there will terminate.

For a few years, it was appropriate not to talk of date-setting as a matter of strategy and tactics. At this stage of the game, as we move into the final phases of an "irreversible" withdrawal, the policy of date-setting is no longer

destructive to our overall strategic policies.

I and many of my constituents are depressed with the dependency that we have created in the Republic of South Vietnam. Until some definite termination date is established, in my judgment the South Vietnamese will continue their heavy dependency on us. Until they have a fixed target date on which they must stand, relatively, on their own feet, they will be happy to be supported by us and our personnel as long as we are willing to provide support.

For many years we have propped up a government which was said to be under attacks of external aggression. Under the Nixon doctrine there ought to come a time, at a fixed date, when that country undertakes its own defense without the assistance of our military personnel. We do not have a perpetual obligation to any country.

I am aware that the Whalen-Nedzi amendment will not do all of the things that many of the people outside of these halls who support it believe it will do. I am also aware that it is not likely to be adopted. I agree with the local newspaper editorial yesterday that its consideration is largely symbolic. As a general rule I abhor symbolic votes in legislative bodies.

This case, however, is different. This House has had no direct votes on this subject. In my judgment the people of the United States deserve a couple of symbolic votes on this issue.

In summary, Mr. Chairman, my vote for the Whalen-Nedzi amendment is not necessarily critical of anyone. It is simply a vote that says we have done that which we set out to do and can do in Vietnam. It is a vote that says our people are weary—that they wish to escalate our withdrawal and terminate our involvement. It is, of necessity, a symbolic vote, but it is an honest and deeply felt one.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, this is a momentous occasion in the House. It is the first time we have had a clear opportunity to raise our voices to reassert our constitutional authority, to reaffirm the oath of office we have all taken—to face up to our warmaking and peacemaking powers.

I hope that the House will adopt the amendment of the gentlewoman from Hawaii, Mrs. MINK, because I think it is a clear, simple, straightforward clarion call that will go from here to the White House and will be listened to.

But in the event it is not adopted, I certainly will support the Nedzi-Whalen amendment. I think that it would be clear, absent sections B, C, D, and E, for the reasons that our colleague from Massachusetts, Mr. DRINAN, mentioned. But the fact that this amendment to a procurement bill is not going to have any legal force and effect in the next 6 or 8 months because it does not control expenditures for personnel, and the crunch on equipment will not be felt for several years, what we are doing today is symbolic in nature. But the importance of that symbolism is transcendental for all of us, because we have a Nation that is, in a very real sense, dying here. Our cities have lost their sense of comity. We have been unable to provide the essential facilities and services that a civilized nation provides for its own people. The war has sapped our resources, and alienated the young and the poor. We desperately need to find the way out—suggested by Clark Clifford and others—and this amendment will signal to the President our collective determination to extricate ourselves from the most futile, wasteful, squalid war in our Nation's history.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment. It is far from perfect but more perfect than the processes which govern this House. And since it is the only opportunity that we in this House will have today to register our opposition to the war in Vietnam, it becomes a symbol behind which all of those who are outraged by our continued involvement in Indochina must rally. However, as has been pointed out by others preceding me in the well of this House, the Nedzi-Whalen amendment is more than a symbolic act. It provides that no funds authorized under this bill may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

Members of this House who were here when the Gulf of Tonkin resolution was passed have said today that had they known what is now being revealed by the publication of the Vietnam papers authored by members of the Johnson Administration, they would not have voted for that resolution providing the basis for President Johnson's escalation of our military involvement. It is ludicrous that while now for the first time since the Gulf of Tonkin resolution we vote squarely on the war and whether this House supports our military involvement in Vietnam, the Nixon administration has gone into court to prevent the publication of background information which would have a bearing upon the Members' votes today; similarly it has even refused to supply such information requested by congressional committees.

At the conclusion of today's debate I will vote "yea" on the Nedzi-Whalen amendment, but the probability is that it will not prevail. And so, should it be defeated, I will vote "nay" on the final passage of the authorization bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, the involvement of the United States in Indochina, I think, was a commitment that we were going to stop or try to stop unwarranted aggression by Communist nations. I do not think there was a single instance, other than the Gulf of Tonkin resolution, that caused our involvement. We were involved because we wanted little nations to have the right to choose their own government. I therefore do not think our leaders deceived us, or that we were not given full information. I stand here in the well today to say that it is not proper for some of our Members to use hindsight or the advantage of it, in trying to say that we were not given the full facts. We went into this war to try to stop aggression, to draw the line, and that is what we did.

Whether history will treat us kindly, whether it will say that we did right or wrong remains to be seen. Perhaps we should have gone in with greater force to try to achieve a military victory. But I do not think the American people would have supported that. I think history would have treated us more unkindly if we had not tried to help. We have, as a nation, done our best.

We took the policy that said, "We will give the South Vietnamese time." We have now given them that time to defend themselves and to establish their own government.

I say to the administration, "You are coming mighty close to the time when total disengagement must be reached." I call on the administration to tell us, "What is your troop withdrawal policy as of December 1971?" I am told at that time you will have 184,000 troops left in Vietnam then. You do not tell me what your troop withdrawals are or will be after that point, and you do not say what your policy will be with respect to the cessation of bombing. I think the American people are entitled to that information. We ought to have given and we have given the South Vietnamese Government time to set up their own government.

I am therefore willing to give them time—at least until after the election this fall—and then we should have another announcement of plans and schedule. I do not think the pending amendment will stop the war. It is an expression of intent—and with that I think we can all agree. If it would stop the war I could support it.

I am willing to give this administration time, as I have to previous administrations, to bring this thing to a quick conclusion. But I say to you that you are reaching the point where you have to give answers to those two big questions. What can we expect to a definite troop withdrawal and what can we expect about future bombings?

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the question that I would raise is, Where are the votes for the Nedzi-Whalen amendment in view of the fact that we all say we are against the war? I suggest that the absence of the necessary votes is a reflection upon our leadership in the Congress and a reflection upon those

liberals here who have professed to support the end of the war as soon as possible. Now we have an opportunity, and this body will go on record, as the Senate did yesterday, that we really are not for stopping the war, even under this very modest proposal.

So I want to suggest to you that some of us must pledge to keep on after the vote of the day here. Some of us must examine what we are going to do and how we are going to bring an end to the war. I am saddened when, after we get assurance from the Chairman of the Committee that he will not interfere to halt the debate, we have the whip of the minority side interfering with the debate. Then I hear my esteemed Speaker of the House lead us against this amendment. It is a very disappointing day for liberals.

So what I ask us to do, on both sides of the aisle, is to begin to formulate the policies and tactics that will force an end to this war, because we are now Vietnamizing the United States of America. Yes, the violence there is the same violence that is coming into our cities across this land.

I would like to ask the Members of this body are present, if we are waging a war that is unpopular with the American people—why are we in it? I think that is the question which goes to the very heart of the difference between the way this Government operates and the way the American people want it to operate. It should be clear that we are in a war that is not sanctioned by the American people even after avalanches of propaganda to condition us to accept the inhumane consequences of this war. The American people reject this war not only because of the devastation to the poor peoples of Asia and not only because of what it does to our own American men who are sent there—but really because of what it is doing to the very fiber of this country. Why is it that we are in a war that the American people refuse to sanction?

One of the reasons that we are unable to extricate ourselves from a war that nobody claims to have wanted is that we do not have on either side of the aisle leadership that has convinced me that they really want to take the necessary steps to end the war. This body does not operate by magic. It does not operate in some mysterious way. The simple fact is that we do not have enough people in the legislative branch who are sufficiently concerned.

They are against the war. Everybody is against the war. I have not met one person in the last 6 months who is for the war. So, I am beginning, after a few years of service in this great body, to ask the hard questions that the American people are asking: If we are all against the war, why aren't we getting out? If we are all against the war, where are our leaders to develop programs that will extricate us from the horrors of Vietnam?

It is not going to satisfy the American people to have a few Congressmen out of 535 articulate their objections to the war. I think something is going on in this country that is far more profound than most of our Members are ready to recognize, much less acknowledge. And that is that the war in Vietnam is having a devastating psychological effect upon the American public. The people are losing faith in the entire system of Government, and if some of us do not begin to say that to our leaders, we are going to be faced with legislative leaders who want to govern, with a citizenry which will not accept their leadership. We are faced with young people, and now increasingly with old people, of all races, of all classes in our society who are beginning to seriously question for the first time the validity of this system of Government. And I believe that the finger can be pointed to this horror of Vietnam as the single factor that has contributed more to undermine the confidence of the people in this Government than any one other thing.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I rise in opposition to this amendment which would set a specific, unilateral withdrawal date for American troops. I find it incredible that so many should suggest that we withdraw our troops regardless of whether or not we receive any similar action on the part of the aggressors, the North Vietnamese.

Outside of Congress, the promoters of this amendment, the American peace movement, have sold the American people a bill of goods. I have received many letters from interested citizens in my district who seem to believe that 73 percent of the people support this pullout resolution. As is the case in many other areas, there has been a basic perversion of the truth. To say that 73 percent of the American people want to bring home all U.S. troops from Vietnam before the end of this year is false in its implications and grossly misleading.

The belief that the American people want out of Vietnam by December 31, 1971, regardless of consequences, is a myth. This is clearly shown in the attached report of a national survey taken May 1–2.

Here are some of the results of that survey:

First, by an overwhelming margin of 72 percent to 18 percent, the American people "support President Nixon in his plan to end the war in Southeast Asia."

Second, support for the proposed congressional plan for pulling out all U.S. troops by December 31 almost evaporates—when the American people are confronted with the possible consequences such as jeopardy to our POW's or a Communist takeover.

Third, well over half the American people oppose a December 31, 1971 deadline with withdrawal, if that withdrawal means a Communist takeover of South Vietnam.

Fourth, by almost 7 to 1, Americans oppose any yearend withdrawal that threatens the lives or safety of American prisoners of war.

Fifth, the earlier poll is misleading and has been grossly misinterpreted, because, while the American people will support almost any plan that promises an end to the war—they clearly will support no plan that either endangers our prisoners, or threatens a Communist takeover.

The Wooster Daily Record, Wooster, Ohio, printed this public opinion poll in its May 24, 1971 issue. Here is exactly what the paper printed:

PULLOUT IS POPULAR WITH RESERVATIONS

PRINCETON, N.J.—The public seems willing to endorse any plan that promises to bring all U.S. troops home from Vietnam soon—but not if it endangers our POW's or threatens a Communist take over, according to the latest survey conducted by Opinion Research Corporation of Princeton, N.J.

Seventy-two per cent of the public say they support President Nixon in his plan to end the war in Southeast Asia, compared to 18 per cent who do not support his plan and 10 per cent who have no opinion. At the same time, 68 per cent of those polled would approve their Congressman voting for a proposal requiring the U.S. Government to bring home all U.S. troops before the end of this year; 20 per cent opposed this move and 12 per cent have no opinion.

However, when various possible consequences of quick withdrawal of all U.S. are tested, the public is against withdrawal troops by the end of 1971 if it means a Communist take over of South Vietnam. When asked if they would favor withdrawal of all U.S. troops by the end of the year if it meant a Communist take over of South Vietnam, 55 per cent said no, 29 per cent said yes, and 16 per cent had no opinion. Also an overwhelming majority, 75 per cent, would not favor withdrawal by the end of 1971 if it threatened the lives or safety of the United States POW's held by North Vietnam. Eleven per cent of those polled would favor such a withdrawal and 14 per cent had no opinion.

The results of this survey were obtained by nationwide telephone interviews conducted among 1,026 persons age 18 and over during the period May 1 and 2. Following are the actual questions asked and their results:

1. "Do you support President Nixon in his plan to end the war in Southeast Asia?"

Yes	72
No	18
No opinion	10

2. "A proposal has been made in Congress to require the U.S. Government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?"

Yes	68
No	20
No opinion	12

3. "Would you favor withdrawal of all U.S. troops by the end of 1971 even if it meant a Communist take over of South Vietnam?"

Yes	29
No	55
No opinion	16

4. "Would you favor withdrawal of all United States troops by the end of 1971 even if it threatened the lives or safety of United States POW's held by North Vietnam?"

Yes	11
No	75
No opinion	14

Mr. Chairman, the other aspect of this debate which intrigues me is the number of legislators who have fallen for the 30-day argument, that is, the hope that the Communists will release our American prisoners 30 days after we pull out even though they do not promise this in advance. I maintain that the record clearly indicates that they did not do it even when they promised, let alone without giving any assurances.

On June 9, the Washington Post quoted the former Secretary of Defense Clark M. Clifford as saying that he had "reason to believe" that the Vietnamese Communists would release all American prisoners of war within 30 days of an agreement to withdraw all U.S. military personnel from Indochina by December 31.

Mr. Clifford, as a former Secretary of Defense, should certainly have been aware of the true facts concerning Vietnamese Communists' treatment of prisoners of war. On July 20, 1954, during the Geneva Conference, the Vietminh Communists signed a treaty on the cessation of hostilities with the French Government. Article 21 of that treaty reads in part as follows:

All prisoners of War and civilian internees of Vietnam, French and other nationalities captured since the beginning of hostilities in Viet-nam during military operations or in any other circumstances of war and in any part of the territory of Viet-nam shall be liberated within a period of thirty (30) days after the date when the cease fire becomes effective in each theater.

Eight years later on November 17, 1962, the North Vietnamese Government announced over radio Hanoi that—

After a rather long period of negotiations between the DRV (Democratic Republic of Vietnam) Government and the Government of the Republic of France on the repatriation of French soldiers who had surrendered, on 25 October the representation of the Republic of France sent a message to the DRV Ministry of Foreign Affairs stating that it had been authorized to work out a plan for transporting commencing November 1962, French soldiers who had surrendered and who had applied for repatriation. The message proposed that our government approve the French transportation plan.

In its 30 October 1962 message, the DRV of Foreign Affairs replied that it approved the transportation plan drafted by the French representation and asked that the French Government take the necessary steps so that the repatriation can be carried out on schedule.

Apparently, Mr. Clifford would like us to make the same bad deal that the French made 17 years ago. If we have learned nothing else in our years of dealing with the Communists, we should at least understand that they cannot be trusted to keep their signed agreements.

Mr. DENHOLM. Mr. Chairman and my worthy colleages in the "House of the People," I am depressed and I am saddened because I see storm clouds on the horizon and—

When a land rejects her legends,
Sees but falsehoods in the past;
And its people view their Sires
In the light of fools and liars,
'Tis a sign of decline
And its Glories cannot last.

We not only have rejected our legends but we, the elected Representatives of the people, are about to reject our obligations imposed upon us by the Constitution of this Republic. Again, this great body is willing to "pass the buck" to one man, one Commander in Chief, one President. When we cannot make a decision we say to him alone, "You make that awesome decision and we will all be free to go our individual ways and campaign at will not matter what the results might be."

It seems to me if we wanted to act as true Americans, as elected Representatives of the people and pursuant to section 8 of article I of our Constiution, we would say that we, the Representatives of the people, will decide on the grave issues of peace and war, and that we would on this occasion support the amendment to end the military involvement of this country in Vietnam today

I believe our continued involvement in a Civil War in Vietnam has corrupted our people there and it has divided our people here. If we actually seek peace in this world we must seek that utopia in the spirit of the words of Ethel Blair Jordan when she said:

In hearts too young for emnity,
There lies the way to make men free.
Let child love child and wars will cease.
Disarm the heart, for that is truly peace.

Mr. Chairman, this Nation emerged following World War II as the only nation that had never lost a war. This country has never lost a war when Congress has acted and declared war.

In 1812 Congress passed an act in declaring war on Great Britain because of hostile acts done by that country.

In 1846 the Congress declared a state of war with Mexico by a resolution owing to hostile acts of that nation.

In 1898 Congress declared war on Spain.

In 1917 a resolution of war was passed by Congress as a result of the sinking by Germany of the *Lusitania* and other merchant ships with the loss of American lives, and of other violations of international law with respect to the United States.

In 1941, Japan attacked at Pearl Harbor. Congress immediately declared that a state of war existed between the United States and Japan, Germany, and Italy.

The United States emerged as the only great nation in the modern world that had never lost a war. This proud record again demonstrates the strength of free institutions. When the representatives of the people vote for a war, the people respond.

The important lesson to be learned here is that in the United States one man—or one coterie—cannot conduct or declare war.

The conduct and declaration of war can be done only by the two Houses of Congress whose Members are elected by the direct vote of the people. The argument and theory pursued by our forefathers was that action is not likely to be hurried or unjust when submitted for the due care and deliberation of such a body of representatives of the people duly assembled in a joint session of Congress.

Congress shall have the power to raise and support armies which is an implied power from the expressed constitutional power "to declare war." But to leave no question as to what department of the Government would do it, the power was expressly conferred upon Congress; for otherwise the President as Commander in Chief might assume to raise armies after Congress had made the declaration of war. The President cannot raise an army, nor can Congress maintain one by an appropriation for a longer term than 2 years.

NO AUTHORITY—NO PRECEDENT

There is no constitutional authority or precedent authorizing and justifying the President to declare war. The President as Commander in Chief may under the emergency powers of the President mobilize the Armed Forces in the interest of national security. The power to declare war is expressly reserved to the joint session of Congress. It is further restricted by the provision for appropriations not in access of 2 years without another request to the Congress for further appropriations to finance war.

THE MORE SUBTLE ISSUES

The more subtle and difficult issue is what may from time to time constitute an act in the national interest? There can be no doubt that when this Nation, its people, or its possessions are attacked directly by a foreign aggressor our national interest is placed in jeopardy. Absent of a direct attack the citizens of this country have not historically condoned war. It is unmistakeably clear that when the citizens have acted through their representatives in Congress this Nation has always prevailed whatever the adversities.

The second and equally frustrating issue of our time is premised upon the notion that national security is somewhat or somehow exposed and absent of any act by Congress, the President has continued to commit the country to military involvement. The underlying question of such an issue is to what magnitude must such military involvement be committed absent of an act of war. Necessary appropriations to finance modern war are far in excess of any recorded in the history of all wars of this Nation.

SUMMATION

In summary the United States entered Vietnam pursuant to a resolution passed by the Congress in 1964 with but two dissenting votes and granted unto President Lyndon B. Johnson the power to repel the Vietcong in the interest of national security. The Congress has continued to appropriate adequate funds to protect our military commitments and men in Vietnam beyond the Gulf of Tonkin resolution. More recently we entered Cambodia without any act, counsel, or resolution of the Congress. However expedient in the sense of military science the act of aggression in the country of Cambodia is without precedent and of questionable merit as to national security. The continued escalation of military commitments in Indochina without congressional approval will continue to divide reasonable people on the priority of the issues of our times.

It is my considered judgment that this Nation can ill afford to further pursue such policies without a full disclosure by the executive branch of Government to the Congress exactly how our national security is exposed. It is the duty of the Congress to respond and if war is to be declared it is for Congress to decide whom the act of war should be declared against and to lead and unite the citizens of this Nation in the common cause against the enemy. It is my belief that the Congress cannot and will not identify the enemy, the Nation or the people for whom any

declaration of war will issue in Southeast Asia under present existing circumstances. If there is not to be an act of declared war by the Congress the policy of military involvement in Indochina should and must be reviewed to determine a true evaluation of how our national interest is in jeopardy.

It appears that our military commitments and our military involvement has exceeded and does now exceed any reasonable degree of temporary defense of our national security in Indochina. If we seek but the balance of power in a bypolarism struggle of world politics between communism and the people of free governments then it is for Congress to decide to what extent we must be committed economically, monetarily and politically to achieve the equilibrium of power among nations.

CONCLUSION

It is my conclusion that Congress cannot fail to act upon these grave questions confronting the citizens of our country. It is wrong for the President to pursue a course of no apparent purpose and particularly so without consultation of the Congress. It is wrong for the Members of Congress to pursue individually the political expediencies of public opinion at the expense of a divided citizenry. The present policies cannot and should not be continued and it is the duty of every elected representative of the people to do all that he can to bring these grave issues to a united decision through the consultative processes of our democratic government by official action of the Congress in joint session.

Mr. Chairman, the "Congress shall have power to declare war, to raise and support armies"—Article I, section 8, U.S. Constitution.

Mr. Chairman, does the Congress have the power to seek the peace? That is the question before the House today. Crime, corruption, war, and war crimes will darken the horizon of each new day until we respect the supreme law of this land and until the President—the Commander in Chief—clearly places the issues before the Congress pursuant to the Constitution of this land—I will remain steadfast in what I know the law of this land to be according to our brilliant history of the past.

I am hopeful that I am wrong about the storm clouds coming—I am hopeful the generation behind me will not reject the legends of this land and see but falsehoods in the past—certainly I hope they will not look upon the leaders of this Nation in the light of fools and liars—for if they do then I fear that it is a sign of decline and the glories of America cannot last.

Thank you, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, there are a few things that I think we all know. One of them is that we would like to see an end to the war. Another is that the pending amendments do nothing whatever to end it. These amendments, under the circumstances existing, are only symbolic, and I submit that, under the circumstances existing, they are and can be only symbols of weakness in the midst of an ongoing conflict which the President of the United States, in the proper exercise of his duties, is bringing to a close as expeditiously as it can be done. Such a symbol at such a time seems to me unfortunate and unwise, and I urge the defeat of the pending amendments.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, it is probably difficult at this late hour to add anything to the debate or to change any votes, but I do think one thing is clear. With the various amendments that have now been offered, by the gentleman from New York (Mr. ROBISON) and by the gentleman from Pennsylvania (Mr. MCDADE) making our withdrawal contingent upon the release of the prisoners of war; and even considering the original conditions included in the Nedzi-Whalen amendment which would allow us to give military aid to South Vietnam after we have withdrawn, and also to station marines at our Embassy there, which the gentlewoman from Hawaii would remove, it is clear that what we are really doing here in these proposals is not legislating but trying to negotiate and to set down negotiating conditions that say we will withdraw only under such and such conditions.

The fact of the matter is, Mr. Chairman, that we cannot negotiate with an enemy from the floor of a legislative body. Under the Constitution of the United States the President has the exclusive right to negotiate. I think we ought to concede him that right. We ought to stop having 535 individual Secretaries of State visiting Paris to negotiate with the North Vietnamese and the Vietcong. Let us allow Ambassador Bruce speak for America on this issue with one voice.

After all, we are getting out of Vietnam, steadily and irreversibly. There is no question of that. And if we do want to get out safely and get our prisoners of war back safely and with honor and provide for some measure of stability in Asia, then this country must pull together again.

In the closing months of the war in Vietnam I believe very strongly that we ought to speak as a unified country instead of continuing to divide ourselves so bitterly down the middle over what are after all relatively minor matters, such as whether we get out 2 or 3 months before or after some particular deadline. What is really important is not only when we end this war but whether once we have left Vietnam this country continues to remain a factor for world leadership and for peace in the future. We certainly cannot expect to do that if we continue to be a bitterly divided country in the face of a stubborn and determined enemy.

The CHAIRMAN. The Chairman recognizes the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, I rise in opposition to the amendment and to all amendments thereto.

I believe that they constitute a vote of no confidence in this administration, which the evidence does not justify.

Mr. Chairman, although there are some distinguishing features in the Nedzi-Whalen amendment, the fundamental issue is still whether the Congress should impose upon the Commander in Chief a requirement that the disengagement of all military forces from Indochina should be based on a date certain, established by Congress. I believe it is my responsibility to speak out on this overriding issue.

The current revelations by the New York Times, which suggests that the buildup of troops in Indochina under President Johnson may have been made in accordance with a deliberate calendar designed to provoke a response from the North Vietnamese, has in the absence of time for clearheaded evaluation added to the public clamor for a simplified withdrawal procedure. For example, although the dates suggested in the two Houses of Congress usually designate the end of this year and are conditioned upon safe withdrawal of our troops and release of the prisoners of war, the Utah Democratic Party last Saturday went beyond these suggestions, and in that party's State convention passed a resolution calling for withdrawal of all troops by September 15 of this year without any conditions attached pertaining even to prisoners of war. It may be suggested that this was a purely political convention, so produced an extreme decision, but I do agree the people of this country are increasingly restive.

I think what the people of this country want, however, are not political declarations but hard evidences of the reality of withdrawal of the U.S. forces from Indochina. An objective and nonpolitical analysis of the present military policy of this administration does in fact reveal that hard evidence.

This administration has, according to reliable reports, been stepping up its withdrawal of military personnel so that the former objective of reducing U.S. troop strength to 184,000 troops on December 1, 1971, will not only be achieved but there will be a considerable number less than that 184,000 as of that date. In addition, President Nixon has announced a goal of total withdrawal.

Secretary of Defense Melvin Laird has stated in an interview in U.S. News & World Report that the combat operations of U.S. troops will be ended by the end of this summer. Considering the fact that the buildup in Indochina reached a total troop strength there of approximately 550,000, the phased, deliberate and consistent withdrawal of troops is proof this administration is fulfilling its pledges.

Furthermore, there is something of value to be gained by our sacrifices in South Vietnam which should not be discarded out of hand. The administration issues favorable reports about the "Vietnamization" program. If the people of South Vietnam can exist as a free nation under democratic procedures and resist Communist domination in accordance with their responsible desires, then this is certainly a plus for the free world. Under the circumstances, a congressional mandate of a date-certain for disengagement, which the Commander in Chief opposes, would constitute a vote of no confidence in the Commander in

Chief, a decision not justified by the facts.

After more than 6 years of war, it is natural for many Americans to conclude that unless a date-certain is established, there will actually be no conclusion to our participation, and I can certainly understand those who share this opinion. The deliberate and premeditated statements of the President and others in this administration, however, are that there will be total withdrawal with the hope that the South Vietnamese will be able to defend themselves.

Respecting the opinions of my constituents who favor the concept of a date-certain withdrawal, I recently sent an "Issue of the Month" presenting what I believe to be objective arguments for and against the date-certain concept.

As of this date, I have received 1,151 replies, almost all of which are accompanied by comments or letters and all of which are addressed and stamped by the constituent himself. Of these replies, 354 support the concept of a date-certain and 775 oppose the concept and support the President; 22 are undecided. For the RECORD, this "Issue of the Month" is as follows:

THE SHERM LLOYD REPORT: ISSUE OF THE MONTH

A DATE-CERTAIN WITHDRAWAL FROM VIETNAM

For many months a variety of resolutions have been introduced into the two Houses of Congress to establish a cutoff date for our military operations in Southeast Asia. One of the best known was introduced into the Senate nearly a year ago—the McGovern-Hatfield Amendment to the Military Procurement Bill, which would originally have cut off all funds for the Vietnam War on last January 31, 1971, in the absence of a declaration of war by Congress. The Amendment was subsequently amended and defeated.

In the meantime, a wide variety of similar proposals have been introduced. Peace demonstrations have accompanied the proposals. Some of these demonstrations have been lawful and effective to a degree. Others have not. Peace demonstrations, being more general in nature, have usually cited as their objective: "Immediate and unconditional withdrawal of all U.S. troops and material from Southeast Asia."

There has been a buildup of support for the concept of a time-certain withdrawal. The President and the Congress are under increasing pressure to adopt such a policy. My office is no exception. Recently, a statement was suggested to the House of Representatives by a Republican, Charles Mosher of Ohio. Up to twenty and perhaps more Republicans have joined him, and the list grows. The statement would require that all U.S. military personnel be removed from and over Vietnam, Cambodia, and Laos by December 1, 1971, conditioned upon safe removal of our troops and safe release of our prisoners of war.

I have received, in the past two weeks, more than 200 telegrams and letters urging that I join in supporting the Mosher Resolution. Many of the communications refer to Common Cause, an organization of repute, which supports such action.

It is difficult to gauge public opinion accurately. The Gallup Poll reported on January 31, 1971, that 73 percent of Americans want their Congressmen to vote to withdraw U.S. troops by the end of the year. Critics of the poll assert the question presented did not give sufficient freedom for completely accurate evaluation by the citizens.

In Utah around the latter part of April, I put the question to several groups, including students of Kearns High School, Cyprus High School, and higher age group in Granger, Salt Lake, and Cedar City. In every case, there was overwhelming support for the Nixon position as against a time-certain withdrawal. My results have been criticized as having not been produced by sufficiently objective presentation and questioning. In reply, I will state that it was my intention to be objective and give both sides, but it is true my own support for the Nixon position at the time was expressed and may very well have colored the way the question was put. As to the age groups above high school age, it is also true these were preponderantly Republican. (Although I think it is unfortunate that public meetings addressed by a Congressman should be largely avoided by those who do not belong to the Congressman's political party.)

ARGUMENTS FOR A DATE-CERTAIN WITHDRAWAL

After six years of fighting, we have more than discharged any "commitment" we may have had.

This is a civil war in Vietnam in which we should not meddle.

The war has seriously divided America, creating disturbances and worse. The war has promoted revolution among the young, has exposed our military men to drugs, and other moral and emotional problems.

Our domestic needs are so overwhelming, we should begin binding up our own wounds.

Continuation of our participation in the war will add to the misery and hopelessness of our prisoners and their families. A date certain will increase pressure on Hanoi to release prisoners.

The war is undeclared, and is therefore unconstitutional and immoral.

President Nixon is prolonging the war so that he can end the war in an election year, thus adding to his chances for reelection.

The draft is un-democratic. Those who cannot afford the several methods of exemption are forced to bear an unequal burden in providing sons for combat in a war which is not supported by the American people. Therefore, unless Congress declares war, we should not draft boys to fight in it.

The objective of helping to maintain a "free society" in South Vietnam is unrealistic. They have no concept of the freedom which is traditional to America, but foreign to the realities of Southeast Asia.

We are supporting a regime guilty of corruption, which is not truly supported by the South Vietnamese, and which is accepting and encouraging American assistance only for personal and selfish gain. This regime will eventually fail regardless of our effort.

There are others, and supporters of the time-certain withdrawal concept can undoubtedly find fault with the above presentation.

ARGUMENTS AGAINST A DATE-CERTAIN WITHDRAWAL

President Nixon did not start the war. He inherited it. When he came into office, there were 536,000 U.S. military personnel in Vietnam. He announced a policy of withdrawal and "Vietnamization," (loosely interpreted as a policy which would give the South Vietnamese a reasonable chance to provide for their own defense). He has kept his pledge. 200,000 have already been withdrawn. 100,000 more will be withdrawn by December 1, this year, and he has announced a goal of "total" withdrawal from Vietnam, (contrary to South Korea where around 50,000 troops have been kept for peacekeeping purposes since 1953, with general approval of Americans.)

The North Vietnamese have not stated they will release prisoners of war if we withdraw—but only that they would "discuss" on the matter of release, indicating they could be using the prisoners for larger stakes.

We cannot negotiate an "honorable" peace as successfully if we give our plans to the enemy.

President Nixon has kept all his pledges to date as Commander-in-Chief. Under these circumstances, he should not be handicapped by ultimatums.

Any date-certain withdrawal announced now by the U.S. would create bitterness in South Vietnam, and create completely new sets of objectives for the South Vietnamese election in October.

"Vietnamization" is "proceeding apace." Over one million South Vietnamese are now in uniform in defense of their country. The October elections have attracted at least three candidates for the top office, and will be supervised by international agencies in an effort to guarantee maximum freedom. Our objective of allowing the South Vietnamese free elections is attainable.

Announcement of a time-certain withdrawal will contribute to "defeat" in South Vietnam, a take-over by the North, with prospects of a bloodbath for the South, and loss of the total investment we have made in South Vietnam in blood and treasure.

MY POSITION

Up to the present time, I have felt that President Nixon was entitled to my support. This does not mean I feel an "obligation" to the President in this matter superior to my obligation to the people. It has been a matter of continuously deepest concern, study and evaluation. Pursuant to that objective, I would now like to have *your* opinion:

I support the concept of a time-certain withdrawal.

I do not at this time support the concept of a time-certain withdrawal.

Comments:

Name and address.

COMMITTEE ON FOREIGN AFFAIRS—JUNE 8, 1971

FOREIGN ASSISTANCE AUTHORIZATIONS AND APPROPRIATIONS, FISCAL YEARS 1971 AND 1972

Program	Authorization, fiscal year 1971	Appropriation, fiscal year 1971	H.R. 8961, fiscal year 1972
Technical assistance	$396,870,000	$353,435,000	$415,250,000
Worldwide	(183,500,000)	(166,750,000)	(183,500,000)
Alliance for Progress	(90,750,000)	(82,875,000)	(90,750,000)
Multilateral	(122,620,000)	(103,810,000)	(141,000,000)
Development loans	[1] 350,000,000	420,000,000	[2] 580,000,000
Alliance for Progress	(428,250,000)	(370,375,000)	(428,250,000)
Loans	337,500,000	287,500,000	337,500,000
Grants	(90,750,000)	(82,875,000)	(90,750,000)
American schools and hospitals abroad	12,900,000	12,895,000	25,000,000
UNRWA (Arab refugees)	1,000,000	1,000,000	1,000,000
Industrial Basin:			
Grants	$7,530,000	$4,925,000	$15,000,000
Loans	([3])	6,980,000	
Supporting assistance	414,600,000	414,600,000	800,000,000
Supplemental	195,000,000	155,000,000	
Contingency fund	15,000,000	15,000,000	100,000,000
Supplemental	[4] 15,000,000	[4] 7,500,000	
Administrative expenses:			
AID	51,125,000	51,000,000	57,600,000
State Department	([5])	4,100,000	([5])

Footnotes at end of table.

COMMITTEE ON FOREIGN AFFAIRS—JUNE 8, 1971—Continued

FOREIGN ASSISTANCE AUTHORIZATIONS AND APPROPRIATIONS, FISCAL YEARS 1971 AND 1972—Continued

Program	Authorization, fiscal year 1971	Appropriation, fiscal year 1971	H.R. 8961, fiscal year 1972
Overseas Private Investment Corporation	(5)	$18,750,000	(5)
Total, economic assistance	$1,796,525,000	1,752,685,000	$2,331,350,000
Military grant assistance	350,000,000	350,000,000	705,000,000
Supplemental	340,000,000	340,000,000	
Total, economic and military	2,486,525,000	2,442,685,000	3,036,350,000
Foreign military credit sales	$250,000,000	$200,000,000	$510,000,000
Israel (supplemental)	(6)	[6] 500,000,000	
Grand total	2,736,525,000	3,142,685,000	3,546,350,000

[1] Plus $300,000,000 authorized but not appropriated in prior fiscal years.
[2] Plus $230,000,000 authorized but not appropriated in prior fiscal years.
[3] $51,220,000 authorized in the Foreign Assistance Act of 1967.
[4] Earmarked for relief, rehabilitation, and reconstruction assistance in East Pakistan.
[5] This is a permanent authorization of such amounts as may be necessary.
[6] This was authorized in the Military Procurement Act (Public Law 91-441). The appropriation was carried in the supplemental appropriation, 1971 (Public Law 91-665).

Mr. Chairman, this is a time for a nonpolitical evaluation of this overriding issue. Purely objectively, I do not believe the imposition of a date-certain requirement upon the Commander in Chief constitutes provision for national defense or will assist in our responsible disengagement from Indochina. While my "Issue of the Month" is certainly not a scientific cross-section of the State, it is mailed to 30,000 constituents on a nonpolitical basis. While a great many Republican officials are on this mailing list, those who have replied do not appear to include a disproportionate number of Republican Party workers, and I consider it valid or I would not have issued the communication in the first place.

My constituent response is in accord with my own conviction that a congressional imposition of a date-certain withdrawal at this time is clearly adverse to the national interest.

(By unanimous consent, Mr. LLOYD yielded the remainder of his time to Mr. ROBISON of New York.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, I appreciate this opportunity to remind my colleagues that I do have a pending amendment before the committee, and that it will be the first item on which we vote, and to remind them that it differs from the Nedzi-Whalen amendment only in that it extends the cutoff date or deadline by 4 months, from December 31, 1971, to April 30, 1972.

And, further, that it then conditions that deadline upon the prior happening are two events:

First, a cease-fire arrangement, and, second, an arrangement relative to the prisoners of war, to be followed by the actual release of our servicemen held as prisoners of war. This approach encourages negotiations which, of course, would be conducted, as the gentleman from New York, Mr. STRATTON, knows, by the President and not by the Congress.

Conversely, Nedzi-Whalen would tend to discourage negotiations as the amendment now stands.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. GUBSER.)

Mr. GUBSER. Mr. Chairman, this is a historical hour when we will make one of the most significant decisions in my 19 years' experience as a Member of this body. The issue has been building for at least 10 years and unfortunately has been entwined with unfulfilled predictions, hopes and promises, and allegations of deceit and misrepresentation. This has brought us to the point where millions of Americans do not trust the words and deeds of their Government.

An intensive nationwide lobbying effort has been directed at this hour of decision. The effort appeals to the pent-up emotions and frustrations of a citizenry which distrusts its leadership and despises a war that politicians have determined not to win.

If one is to react to public opinion, if one's bent is to follow and not to lead, if one considers his responsibility to act as a human computer and vote in accordance with the latest public opinion polls, then his decision will be easy. But if on the other hand he wishes to do the right and moral thing, he must risk his personal political security and weigh it against current truth.

Today's decision cannot be made by assessing blame for what has gone on before. It must not be made on the allegations of past duplicity and deception. It must not be made on the assumption so subtly created by demagogs that no government or administration can be trusted. In my opinion, today will give us a true measure of statesmanship.

The question we must decide is not how we got into Vietnam, but how we can get out.

Mr. Chairman, no amount of debate, whether each of us talks 2 minutes or 2 hours, could decide this question in a parliamentary body. That is something that must be decided at the negotiating table in Paris.

By assuming what is constitutionally and historically the function of the executive branch we cannot declare the war to be ended. We do have the right, and we should reassume the right to declare the war when it begins.

Mr. Chairman, the Washington Post has said that—

> McGovern-Hatfield and Nedzi-Whalen simply do not offer a way to end our participation in the war, let alone end the war. Inevitably that must be a political exercise in political symbolism.

The gentleman from Ohio (Mr. WHALEN), a coauthor of the amendment, has forthrightly admitted that it would do none of the things professional lobby groups have said it would accomplish, nor would it end our participation in the war. He has frankly admitted that it is a symbol.

This is an authorization bill. It authorizes the subsequent appropriation of funds for the acquisition of ships, missiles, aircraft, tracked vehicles, trucks, and rifles. The appropriation process must follow, then contracts must be negotiated, and the realities of leadtime considered. It is safe to say that none of the arms authorized in this bill will be in inventory for at least a year, and most of them would not be in inventory for from 3 to 5 years. The Nedzi-Whalen amendment would clearly allow the President of the United States to continue the war in Southeast Asia with weaponry currently in inventory, or in the pipeline, or on order from prior-year funds. As a means of ending the war by December 31 it is meaningless.

Some may argue, "Why not pass it if it is meaningless? If it is meaningless is it not harmless? Why not reassure the American people?"

I have two answers for such arguments: First, we would not be reassuring the American people; we would be deceiving them. Second, if we look ahead instead of backward at the public opinion polls, we should determine how passage of the Nedzi-Whalen amendment or any of its substitutes today will be interpreted by the Vietcong and the North Vietnamese negotiators at Paris when they meet on next Monday morning.

A withdrawal date is a negotiable item which the North Vietnamese and the Vietcong strongly desire. The Nedzi-Whalen amendment constitutes a unilateral concession of that negotiable item. Can anyone with any degree of sincerity argue that the North Vietnamese would negotiate in good faith when this Congress meddles in the negotiation process and unilaterally concedes what they want? I believe with all my heart that the chance for an earlier end to the war than December 31 would be lost if we were to fall victim to the calculated plan of Hanoi to marshal U.S. public opinion to exert pressure against our Congress.

Mr. Chairman, as I stated earlier today, I am convinced we would seal the doom of our prisoners of war, and they would meet the same fate as the 20,000 who fought for the French and to this day have not been accounted for.

Some tell us we cannot have a settlement of the prisoner-of-war issue before we have a settlement of the war. History belies that contention.

The final cease-fire and actual armistice in Korea were agreed upon on July 27, 1953. It is noteworthy that the POW issue was resolved on June 8, 1953, while fighting was still going on and the agreement became effective with the July 27 armistice. Thus, in the past a POW settlement has been negotiated prior to the cessation of hostilities. In my opinion, it can be again.

Mr. Chairman, I believe it would be a terribly dangerous precedent to get away from the constitutional and historical precedent that negotiations in foreign affairs are carried on by the executive branch of Government and not by legislative action. If we attempted to conduct negotiations on the floor of the House, I predict future foreign affairs would result in chaos. The very nature of negotiation makes it impossible for it to be conducted within the confines of hard and fast legislative language. Congress should insist upon its constitutional prerogative of declaring war, but recognize the impracticality of a political parliamentary body negotiating a peace.

The one thing that has been strangely missing in the debate today is the point on which I would like to conclude. What about the projected balance sheet of human life? Yes; if we remain in Vietnam until December 31, or any date even shortly thereafter, American lives will be lost.

But, ladies and gentlemen, I went to Hue just a few short weeks after the Tet offensive, and I saw those thousands of graves of innocent Vietnamese people who had their hands tied behind their backs, were buried alive, and had their throats cut from ear to ear, because they cooperated with the United States of America and the South Vietnamese Government. After seeing that, I cannot help but believe that an ill-advised withdrawal date would only increase the pressures here in America for an even earlier withdrawal date. It would amount to an immediate date, taking no account whatsoever of the ability of the South Vietnamese——

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. GUBSER. Mr. Chairman, as I started to say, such a withdrawal would take no account whatsoever of the ability of the South Vietnamese to defend themselves against massive massacres. And I have no doubt that the thousands of innocent people who cooperated with the United States would find their throats cut from ear to ear, just as the people of Hue had it happen to them.

Now, if you want to sum up the balance sheet of human life, do not just stop at white lives. Does it make any difference if the people who would be slaughtered are brown, and perhaps have slanted eyes? Would you feel better if they were all black or all white, or all red or all brown? They are human beings. You know in your heart that if we succumb to this pressure there would be greater pressure for an even earlier withdrawal date. There would be no consideration paid to the ability of South Vietnam to protect its own citizenry which is composed of human beings created by the same God as created you and me. Morality should not follow geographic lines, religious lines, or color lines. Let us not create a massive blot upon the American conscience.

I beg you, let us stand up and do the right thing today. Let us not look at the political polls and react like inhuman, bloodless computers. Let us do the right thing and the moral thing, and allow the President—who has demonstrated his willingness to get us out of Southeast Asia as fast as he can—to proceed in a reasoned and constitutional fashion.

I hope we vote down all of these amendments.

Again I thank the gentlemen from Alabama and California for yielding to me.

Mr. DICKINSON. Mr. Chairman, anyone who says that a vote for this amendment is a vote for peace and a vote against it is a vote to prolong the war is either being a demagog or is totally ignorant of what the amendment will do.

Even the author of the amendment, the gentleman from Ohio (Mr. WHALEN), states what this amendment will not do on pages 19962–19963 in the CONGRESSIONAL RECORD. He admits:

First. It will not require that troops be withdrawn from South Vietnam after December 31 of this year.

Second. It will not cut off the pay from any American troops remaining in South Vietnam after the effective date of December 31.

Third. It will not deny American troops the use of equipment and weapons systems that are already in South Vietnam.

Fourth. It will not deny the use of weapons systems authorized in previous procurement programs.

Fifth. It will not deny to the administration the right to provide military assistance to our three allies in Indochina.

What will this amendment do? Simply stated, it is a snare and a delusion. It will not shorten the war by one day—it will not save one life.

What will it do?

It will show the North Vietnamese and the Vietcong that we are weak in our resolve; it will take some of the leverage from the President and Ambassador Bruce to negotiate for the return of our POW's; it will delude the American people into thinking there is a deadline for a total withdrawal. There is no good to come from it—but a great deal of evil can and will flow from it.

I oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, I am sorry that I will not have time to address this House on my amendment to the Nedzi-Whalen amendment, because I think it would answer the objections of most of the Members of this House.

It would have given the President the clear right and prerogative to go to the Paris peace talks and say that if we can reach agreement by December 1, a bilateral agreement on the prisoners of war, and a cease-fire, we will follow the Nedzi-Whalen objective, which is to withdraw from Vietnam.

In essence:

It returns the proper prerogatives to the legislative branch;

It does not compromise the position of the Executive;

It speaks directly to the prisoners-of-war issue;

It shifts the essence of credibility to the North Vietnamese Government; and

It firmly declares this body's intention to end this war.

But what I resent most, though, in the limited time I have, because of the parliamentary maneuver, are the statements that have been made in this House that if you are for peace you are against the President, because quite frankly he is the first man in this country who has had the guts to try to bring this war to an end.

Now, I resent also its being classified that only liberals can be for peace in Vietnam, because I can tell you something this war is doing, and anyone who is economically conservative knows it, it is destroying the American dollar. Anyone who is interested in the defense posture of this Nation knows it is destroying the Navy, the Army, and the morale of our fighting men.

I say this: I support President Nixon. I believe in what he is doing, but I am going to vote for this amendment because, above all, I stand and I must stand, for as quick a withdrawal as possible. The one thing I never have understood is the fact that in my war, which was Korea, and in this war, the Senate and this House have allowed American men to go out and fight and die without a commitment from the people who are supposed to represent the individual voters of this country, the House and the Senate of the United States. Sooner or later the people of this Nation will demand that their elected representatives must stand and be counted on the disposition of our fighting men on foreign soil. This is our constitutional duty and we have for far too long avoided it.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana, the majority leader (Mr. BOGGS).

(By unanimous consent, at the request of Mr. HÉBERT, the time allotted to him was granted to Mr. BOGGS.)

Mr. BOGGS. Mr. Chairman and members of the committee, first let me congratulate the great chairman (Mr. HÉBERT) and all the Members of the House on the character and the caliber of this debate. I think it has been one of the finest debates on Vietnam that I have heard since I have been here.

For just a minute I would like to sum up my own impressions of the debate. I cannot do so without recalling a bit of

history. I came to this body shortly before World War II. At that time this country was tremendously divided. We had all kinds of rallies all over the country against any type of participation by our Nation and we extended the draft by only one vote. Finally, Pearl Harbor united the Nation.

Then in 1950 we had the Korean war which was again a very divisive war and it had a tremendous impact on the presidential race in 1952.

Now for the past decade we have had Vietnam.

I cannot believe that any man or woman who is a Member of this body is not for peace. I cannot believe that anyone here would not settle for peace as of yesterday—and certainly not later than today.

Having said that, I just do not believe anyone can question anyone else's motive or sincerity. I have looked at the amendment offered by the distinguished gentleman from Michigan and the distinguished gentleman from Ohio—and the gentleman from Ohio has been quite honest. He spelled out in the RECORD on June 15 that the only thing his amendment does is prohibit the use of equipment in Vietnam after December 31, 1971, if the equipment was purchased by funds authorized in this bill.

But everything else remains the same—the troops can stay there and the full power of the United States can be brought all over Indochina. If that amendment is a symbol; it is a very damaging symbol. Because the American people do not interpret it that way. They interpret it as an end of the year cutoff of hostilities in Vietnam.

I do not say that there is any deliberate intent to deceive, because obviously there is not.

The authors of the amendment have spelled it out and I think that symbolism is not a good symbolism if it cannot be carried out.

Then follows the question—is the President acting in good faith? Now I have had a lot to do with a lot of Presidents, both Republicans and Democrats. Goodness knows, I have opposed many Presidents on many issues and I opposed many, many of the policies of the present occupant of the White House. But I have had Presidents say to me: "It is not a question of doing right—it is a question of knowing what is right."

I cannot believe that any President, regardless of his political affiliation is not for world peace, peace in this country and the security of this country. Therefore, it seems to me that if we adopt this symbolic language that the real impact will be to tie the hands of the men who are charged with trying to negotiate some type of settlement in Vietnam. I just cannot believe that that kind of symbolism is worth that price—because that is the way it will ooperate if you analyze this amendment as to what it says.

After all, this is a very limited bill, Mr. Chairman. This is not an appropriation bill. This is an authorization bill. The amendment can only go to that section of the authorization which deals with the equipment which may go to Vietnam after December 31, 1971. I think if we are wise, and if we look at it without emotionalism and if we realize that every man and every woman in this Chamber is for peace and for peace immediately and we are all struggling to find out the best way to achieve it, I just do not believe that we should penalize and make it more difficult for those who are trying to negotiate for peace.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I would like to say at this time that I think through the patience of the chairman of our House Armed Services Committee, the gentleman from Louisiana (Mr. HÉBERT), this House has distinguished itself today by having the finest debate on the issues of war and peace that we have been able to have in many, many years. I believe that through the initiative of the gentleman from Michigan (Mr. NEDZI) and the gentleman from Ohio (Mr. WHALEN) we have a very formidable issue here placed before the House. We can argue about the form of the amendment, but we all know that this amendment has to be very, very narrowly construed in order to be germane.

We have amendments to the Nedzi-Whalen amendment. We have a substitute by the gentlewoman from Hawaii (Mrs. MINK). We have amendments to the substitute of Mrs. MINK. Very frankly, I think I am going to support all of the amendments and all of the substitutes, because I do not really see that much difference in them. They all relate to a date. I do not think it makes too much difference if we set a date in December or a date in April, or whether we limit it to prisoners or the cessation of hostilities or a cease-fire. My information is that when the President sets a date, we are going to be able to start serious negotiations in Paris.

I know some people have indicated that perhaps we have usurped the prerogatives of the State Department in even talking to the other side. I want to assure you that any initiative by any Members of the Congress in talking to the other side have been welcomed by our negotiators over there in Paris. I tend to think we have a real opportunity for peace. I think the President is going to see that perhaps 40 percent of this House will be supporting various of these amendments. I think if he reads this RECORD he will find 20 or 30 percent more of this House are for some kind of date, but they do not want to put any limitation on him. They want to give him the discretion. Personally I would like to give him the discretion. I would like to let him wind this up all by himself, and it should be wound up with honor, with dignity, and with perhaps 6 or 8 months' notice to the South Vietnamese that we are going to let them fight their own battles. It should be wound up with assurance in the bank that we are going to get our POW's back, and I think we can make some deal in private, not relying on anything any of us have said, but actually getting to the nub of private negotiations over there.

We can assure that our men can get out of Vietnam without being fired upon. We can get a list of prisoners. We can restore men to family units that have been separated for 5, 6, or 7 years.

I think there is a danger that if the President thinks the matter is going to wind up all by itself, we might have a problem. We are told that we will have about 181,000 troops there in Vietnam by December 1 of this year. What happens after that? We have asked the JCS, the Joint Chiefs, before our committee what the residual force will look like. Very frankly, they have not figured that out.

I tend to think that the best political thing for the President to do is to set a date 6 or 8 months in the future and get assurances from the other side, get them in the bank, and we will have the benefit of the bargain. We can get the best benefit of bargaining right now while we have 250,000 men in that country.

Let us fight the issues next year in the elections strictly on the basis of the economy. Let us have peace behind us, and let us not worry about whether or not 40,000 or 50,000 men will be a club we can use to get back our prisoners of war and keep the honor of the United States. I tend to think that if the President believes that 40,000 men and perhaps American bombers, and so forth, and bombing personnel is a real club that we can use against the Communists, he is going to find that perhaps he is as mistaken as we were in 1962 and 1963 when we found we had to escalate the war in order to try to terminate it. Those are my views.

Again I say I congratulate the committee for managing a very excellent debate.

Mr. SKUBITZ. Mr. Chairman, in my opinion the Nedzi-Whalen amendment, if passed, would not end the war on December 31, 1971, it would not result in the release of a single prisoner of war but would in fact weaken the President's ability to bargain. It would not guarantee the safe departure of our boys; however, it would give aid and comfort to the North Vietnamese and could in fact be interpreted as a vote of "no confidence" in the President of the United States. I have no intention to be a party to such action.

I do want to commend my colleague from New York (Mr. ROBINSON). I must confess that at first blush I was tempted to vote for his amendment, because it provides for complete withdrawal when and if an agreement is reached for a cease-fire for an exchange of prisoners and safe departure for our trooops and in my opinion this should be the basis for negotiation and settlement, but the question that bothers me is whether we are going to legislate here today or try to negotiate.

Win or lose I urge the President to heed the Robinson proposal. It is sound. It is in accord with the views of the majority of the people of the fifth district of Kansas.

Mr. O'HARA. Mr. Chairman, I intend to vote today for the Nedzi-Whalen amendment to the Defense Procurement Act. I do so in the strong belief that this body should be on record in support of the setting of a definite date of termination of U.S. military activity in Indochina.

The Nedzi-Whalen amendment prohibits the expenditure after December 31, 1971, of funds to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

The Nedzi-Whalen amendment takes account of the need to protect our withdrawing troops, and further provides that the withdrawal date is contingent upon the release of all our men now held captive by Hanoi and the Vietcong.

Finally, the amendment would permit continued economic assistance to South Vietnam and the other nations in Indochina.

Mr. Chairman, in October 1969, I stated in a speech in the House that we should disengage ourselves from the struggle in Vietnam. I said that our disengagement ought to be accompanied by renewed efforts to strengthen Saigon's capacity to defend itself.

Since that time, Saigon has been given every opportunity to prepare herself for the day when she will take over full responsibility for her own defense.

It is time now to give her that responsibility. Whether the government and the people of South Vietnam will be able to survive as a viable nation now rests squarely upon the South Vietanamese themselves. We will continue to provide economic assistance, but the South Vietnamese will have to demonstrate their determination to survive as a free and independent nation.

On the occasion of the administration's decision to send U.S. troops into Cambodia in May 1970, I said here in the House that—

> Too many lives have been lost, too much money spent and too much damage done to our national character . . . during the extended course of U.S. involvement in that Southeast Asian conflict.

I strongly believe that the time to disengage U.S. troops from that conflict has long since come. Passage of the Nedzi-Whalen amendment will be a firm step toward that overdue objective.

Mr. Chairman, the vote today on the Nedzi-Whalen amendment is the most direct opportunity the House of Representatives has ever had to express itself on the question of U.S. military withdrawal from Indochina.

As I said in my statement here more than a year ago:

> It is time for all of us to stop demonstrating our own courage at the cost of other men's lives.

Mr. ADDABBO. Mr. Chairman, I support the Nedzi amendment to end our engagement in Vietnam by December 31, 1971. I believe the amendment has sufficient safeguards to guarantee the return of the prisoners of war.

Mr. Chairman, my position on the Vietnam war and our involvement in Indochina has been known for some time. As a member of the House Appropriations Committee, I have voiced concern over the expansion of the war, the extent of our role in Southeast Asia, and my support for a Vietnamization policy which should end our troop commitment by December of 1971.

It is said that the move to end the war by December 1971 gives solace to the enemy. This cannot give any more aid or comfort than the President's Vietnamization policy or the President's announcement of continued pullouts. I believe that after 10 years—after all our dead and wounded—after dropping over 4 million tons of bombs, twice as much as we dropped during World War II, including Korea—after 40 percent of our troops starting to use drugs, it is time to let the South Vietnamese know that they must take over the responsibilities in the field.

The South Vietnamese did not start drafting their 18-year-olds until we gave them the ultimatum; so, once again, I believe we must give them an ultimatum—a definite date beyond which the United States will not continue to provide troops in Vietnam.

We are not running out—this is the third year of the Vietnamization program. The South Vietnamese have been fighting in Cambodia and Laos, and they have told us that they will get out of Cambodia when they wish. South Vietnam has had an election and they will have another in September. If they cannot go it by December, they will never be able to defend themselves.

In 1968 the President told the American people that he had a plan to end the war. That plan had to be withdrawal of all American forces, for in reality the Vietnamization program was started by President Johnson when he ordered the training of the South Vietnam Army to defend itself under the pacification program. By calling for complete withdrawal by December 31, 1971, we are supporting the policy of Vietnamization but calling for its completion in 1971 instead of 1972, a presidential election year.

The President has pledged to end the war. He has told us that all U.S. troops will be withdrawn from Southeast Asia. I say let that be our policy and let it be achieved by the end of this year.

Mr. COTTER. Mr. Chairman, I rise in strong support of the Nedzi-Whalen amendment.

During my campaign last year and after my election, I became increasingly convinced that the Congress must reassert its prerogatives in foreign policy, specifically by assisting the President in liquidating our divisive Southeast Asia military commitment.

My actions to date indicate the depth of my commitment to have Congress share the responsibility with the President in ending this tragic war.

During my second week in Congress, I cosponsored the Vietnam Disengagement Act of 1971. This legislation would forbid the use of U.S. funds to support U.S. personnel in or over Vietnam. This legislation also takes account of U.S. POW's in Vietnam and provides for the safety of South Vietnamese during the withdrawal of U.S. personnel.

The importance of setting a date is twofold. First, it would allow serious negotiation on the prisoners-of-war issue. Our distinguished colleague, BOB LEGGETT, and the former Secretary of Defense Clark Clifford, have clarified one crucial point in the debate over the POW issue. There will be no discussion of U.S. POW's unless there is a date set for full U.S. withdrawal.

Mr. Chairman, I do not like this situation one bit, but we must realize that there has never been a total exchange of prisoners in any war until the hostilities ceased. We cannot be naive or trusting of the North Vietnamese or the NLF, but I feel that setting a date will serve the following goals: it will lower the temper of the Nation on Vietnam, it will provide a basis for negotiation on the POW issue, and it will force the Government of South Vietnam to stand on its own feet.

I have specifically mentioned these goals because the President has increasingly tied U.S. withdrawal to both the POW issue and, with more alarming frequency, to the ability of the South Vietnamese Government—the Thieu-Ky regime—to stand alone. This position, I submit Mr. Chairman, has to be rejected. From 1954 to 1971, our Nation has poured billions into "getting the South Vietnamese ready to defend themselves." We have lost 55,000 U.S. soldiers and suffered tens of thousands of U.S. wounded both physically and psychologically. We have contributed enough U.S. manpower to allow the South Vietnamese to "stand alone."

For these reasons, I voted at the March 21 Democratic caucus to put the House Democrats on record for the first time as supporting the end of the war by December 31, 1971. Unfortunately, this resolution was defeated by a vote of 100 to 101.

Recently, I signed a letter of intention—the O'Neill letter—to vote for amendments that would restrict the use of DOD funds in Southeast Asia to end the war by December 31, 1971.

In keeping with this unwaivering support of efforts to end this tragic war, I am today supporting the Nedzi-Whalen amendment to the military procurement authorization bill.

This amendment, too, cuts off funds in order to end the war by December 31, 1971. This amendment allows the President some flexibility by allowing an extension of this deadline, but only after he secures the approval of the Congress. This feature reinforces my position that Congress must reassert its authority and share responsibility for ending the war.

The Nedzi-Whalen amendment is the first concrete legislation initiated in this Congress to end this disastrous war.

I urge my colleagues to vote for this amendment.

Mr. SNYDER. Mr. Chairman, it seems to me that there has been a lot of misinformation disseminated across the country about the effect of this amendment on the conduct of the war in Southeast Asia. It is not my intent to try to place blame for the misinformation, but

I have discussed with the gentleman from Ohio (Mr. WHALEN) what the amendment would do, if adopted. He assures me that both he and the gentleman from Michigan are aware of the facts attendant to the amendment.

This is a military hardware bill and authorizes the procurement of certain weapons in the nature of ships, tanks, guns, aircraft, et cetera, for which appropriations will be made for the fiscal year July 1, 1971, through June 30, 1972. This amendment, if adopted, would only relate to the expenditures authorized to be expended by this bill. The truth of the matter is that this country is not today destitute of military hardware and no doubt has an arsenal in hardware sufficient to continue the war in Southeast Asia for a long time in the future. In addition, of course, funds appropriated under this authorization could be spent for hardware to be used in Southeast Asia for the 6-month period which would end January 1, 1972.

Additionally, the amendment specifically states that it shall not be construed to affect the constitutional power of the President as Commander in Chief—which would allow the President sufficient authority to continue what was in his best judgment necessary in Southeast Asia. This is not only my opinion but the opinion of most of those with whom I have discussed the amendment.

There is the additional provision that the amendment shall not be construed to limit the use of funds for purposes which may be necessary to insure the return of prisoners of war. Again, this, in the opinion of many, would leave conduct of the war in Southeast Asia pretty much to the discretion of the President.

Now, I want to make it perfectly clear that I am not objecting to the latter two provisions which I have mentioned, but I just would like to have the record clear that this is not an end-the-war amendment—and this is not an amendment which would necessitate having our troops out of Southeast Asia by January 1, 1972, or any reasonable date thereafter.

Nevertheless, I do believe that the amendment does serve a useful purpose. I have repeatedly said here in the Congress and publicly at home that I do not believe we should ever commit American troops to foreign soil except with the commitment to win whatever conflict we may be engaged in. I still believe that.

The previous administration and this administration have made it patently clear that that is not our commitment. Likewise, it has been my position, since we have no commitment to win, that we should get our troops out of Southeast Asia as rapidly as possible. I really believe the President is doing that—and I do not believe that the adoption of this amendment is going to hinder him in these efforts nor give solace or comfort to the enemy. It is my opinion that this administration has had the "pressure on" the South Vietnamese Government ever since a determination was made that they were going to Vietnamize the war in an effort to get the South Vietnamese to assume the responsibility of defending their own country.

On the other hand, the South Vietnamese have never had it so good economically, and it seems to me that there is some reluctance on their part to assume the responsibility that this administration desires they assume. We train American boys to defend foreign soil in less than 6 months. It seems to me that the South Vietnamese ought to be able to be trained in the several years that have now elapsed since Vietnamization became the official policy of this Government.

I have no illusions as to passage of this amendment today. Nevertheless, I do believe that if it were adopted or if it makes a substantial showing, that it will be notice to the South Vietnamese Government that they must expedite their obligations in connection with their war.

Mr. Chairman, while I believe, as I have said, that there is something to be accomplished by a vote for the Nedzi-Whalen amendment, I am distressed that, by and large, the general public believes its adoption will do much more than it will.

I believe the following Washington Post editorial is worthy of our attention:

CONGRESS VOTES ON THE WAR

The McGovern-Hatfield and Nedzi-Whalen amendments, which are to be voted on today in the Senate and House respectively, would not "end the war" or automatically retrieve the American POW's or guarantee the safe exit of American forces or, least of all, assure a Vietnamese reconciliation. Any such claim promises more than either amendment can deliver and invites further frustration and disillusionment. Not only does fulfillment of claims like these lie to a great extent in other than American hands. But the American system of government gives the President broad authority to conduct a war. It is idle to pretend while the fighting goes on that Congress can remove that authority; in fact, McGovern-Hatfield explicitly concedes the point.

So it is misleading the public to talk of these proposed Congressional restraints in terms of a "date certain" for our withdrawal, however comforting and convenient that piece of shorthand may be to supporters of both measures; Vietnam has given us enough deceptive shorthand, and also enough easy—and offensive—sales pitches—as witness the transcripts of radio commercials on the McGovern-Hatfield amendment which appear elsewhere on this page today.

We bring all this up not to argue against the two amendments—we favor them—but merely to make the point that they should be judged for what they are and for what they could realistically be expected to accomplish, even in the unlikely event that they should become law.

The fact is, they can amount to more than a kind of symbolic protest or demonstration; what they say is that some in the Congress reject the President's policy of withdrawing ground combat troops from South Vietnam by next year, while leaving a residual force and continuing the Indochina air war until 1) all American prisoners are returned and 2) the President decides Saigon has "a reasonable chance" to survive on its own. The counter-policy expressed by the two amendments would have the President withdraw all troops and halt all air and naval operations "in or over" all parts of Indochina by next Dec. 31—assuming the prisoners of war have been released.

It is the central condition of all Vietnam debate, however, that no stark statement of a policy position is ever what it seems. Whether Mr. Nixon will in fact indefinitely maintain a residual force and continue bombing in Indochina cannot be foretold. Negotiating openings or the two elections—Saigon's next October, Washington's next year—could bring a change. Even more policy slippage is built into the two amendments. Necessarily (and redundantly), they note that the President retains authority to delay withdrawal for the sake of prisoner release and to assure that withdrawal is orderly. Therein lies a loophole big enough to fly a B–52 through. Moreover, both amendments—and properly—leave open to the President an option to provide post-withdrawal aid to Saigon. This option would seem to cut across a full-widthdrawal requirement since, by expert consensus, a sizeable number of American troops would have to stay on hand to administer a military aid program necessary to keep the South Vietnamese armed forces functioning in the style to which the United States has accustomed it. Finally, due to the particular structure and rules of the House, the Nedzi-Whalen amendment had to be attached to the defense procurement authorization bill, and it would prohibit merely the expenditure of new funds, and then only after Jan. 1, 1972, for certain kinds of military equipment for war in Indochina; the President could spend old funds and deliver materiel in the pipeline as he pleased.

The Congress, then, even if it had the votes, could not snuff out the war like a candle. Hanoi and the Vietcong, to say nothing of Saigon, must go along. The President must go along. For all that their sponsors may hope to the contrary, McGovern-Hatfield and Nedzi-Whalen simply do not offer a way to end our participation in the war—let alone "end the war." Inevitably they must be exercises in political symbolism. They express the national torment over the war and the country's profound skepticism that the President, *any* President, can be trusted to wind it down. This distrust can only have been accentuated by the disclosure of the McNamara papers in The New York Times.

We are not without some respect for Mr. Nixon's intent to facilitate the re-election of President Thieu in order to hand over to a stable, entrenched government a greater share of the load now carried by American fighting men, and we realize that Mr. Thieu might be somewhat shaken—and his opponents fortified—by a pre-election statement of an American intent to withdraw fully from the war. We nonetheless believe that far greater advantages could accrue to Mr. Nixon—both in terms of the domestic mood and in terms of negotiating at Paris—if he were to accept the offer implicit in the two amendments of Congressional support and a sharing of responsibility in liquidating American involvement in the war. The amendments as written are by and large thoughtful and responsible, though limited. A wise Congress would enact them, and a wise President would welcome them as reinforcement of his own policy and his own concern for the Nation.

Mr. BADILLO. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment to the military procurement bill. I do so because it is long past time that Congress reestablished itself as a full partner in the formation and supervision of this Nation's foreign and military policy. While this amendment is not as strong as the McGovern-Hatfield amendment which was before the Senate, it clearly represents a meaningful effort to end our tragic and costly involvement in Indochina this year.

Figures released today show that 45,000 young Americans have died in Vietnam and 300,000 more have been injured and maimed. This unnecessary war has wreaked havoc throughout Indochina, disrupted our economy, and distorted our

national priorities. Our ability to provide decent housing, quality education, and adequate health care for our own citizens has been seriously impaired by our preoccupation with the war and by the more than $100 billion we have poured down this Asian rathole.

The current administration came into office with two basic pledges: to get us out of Vietnam and to square with the American people about what we are doing in Southeast Asia. It has reneged on both pledges.

The administration's so-called Vietnamization program is nothing more than a thinly veiled means of perpetuating our involvement in Southeast Asia and of supporting one of the most repressive regimes in the world today. And rather than squaring with the American people about the nature and extent of our involvement, the administration has repeatedly employed half-truths, distortions, and outright lies, not the least of which is the continued insistence that the Central Intelligence Agency is not engaged in running military operations in Laos.

I urge adoption of the Nedzi-Whalen amendment as just the first step in the resurgence of congressional responsibility for this Nation's foreign policy.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment to the defense authorization bill. This amendment would, subject to certain protections, prohibit the expenditure of new funds after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

This House will have its first real opportunity today to let the American public know how we feel about the continuing expenditure of American lives and money in the war-torn peninsula of Southeast Asia.

The Nedzi-Whalen amendment is the most logical and sensible way for Congress to respond to the overwhelming demand of the American people that we end our military involvement in Southeast Asia at the earliest opportunity.

Every responsible poll that I have seen indicates that the great majority of Americans want our troops withdrawn this year. The mail from my constituents demonstrates the same feeling, and so does that of every member of this Congress with whom I have consulted.

Mr. Chairman, what conceivable argument can be made for asking one more American boy to sacrifice his life in Southeast Asia?

Nobody, from the President down, pretends any longer that we seek a military victory. It is the consensus of America that our policies in Southeast Asia have been a tragic mistake. The old cliches about "commitments" and "dominoes" and "Communist aggression" have long been discarded, along with the "Paper Tigers."

Why, then, are Americans still fighting and dying?

Opponents of the Nedzi-Whalen amendment, and its sister proposal, the Senate's McGovern-Hatfield amendment, have given two rather lame arguments: that American troops might be threatened by attack during a withdrawal, and that American prisoners held by the Communists should first be released. Neither argument carries logic.

The North Vietnamese have repeatedly stated that, once a withdrawal date is set, the withdrawing American forces would not be attacked. We do not have to rely only on the word of the Communists for this; common sense reinforces it. Why should they attack once we are on the way out? What would they gain? Why should they take any action that would only bring a counteraction and undoubtedly delay our withdrawal?

The other argument is equally weak. The North Vietnamese negotiators in Paris have stated that negotiations for release of American prisoners will begin as soon as a withdrawal date is set. Again, why should they not carry out this promise? What would they gain by continuing to hold our prisoners?

Adoption of the Nedzi-Whalen amendment will call the hand of the North Vietnamese on both of these issues. If they should renege on their promises, which is doubtful, we still have the upper hand. Under the Nedzi-Whalen plan, the President could extend the deadline until next June 30 should this be necessary to protect our prisoners of our withdrawing troops.

Mr. Chairman, I think that the prisoner-of-war argument is a phoney contrivance created by President Nixon to exploit the prisoner issue and use it in his efforts to thwart the expressed will of the American people. It is a semantic trap which has now ensnared its creator.

He stated unequivocally that American troops would not be withdrawn until the prisoners were released. This was an unwise and illogical statement, which is serving only to delay freedom for those unfortunate Americans in Communist prisons. No prisoners of war have ever been released during active hostilities. They are released after the end of hostilities, or at least when a definite end is in sight.

We know this, the President knows this, and the North Vietnamese know this. Let us not permit the President to enmesh us in this trap of his own making. We can free our prisoners by setting a date for the end of hostilities, and in no other way. It is time to stop asking American boys to lose their lives so that American politicians can save face.

Mr. Chairman, this undeclared war in Southeast Asia has dragged along for many years at the insistence of the executive branch. This Congress has been dragged along with it; the people of our Nation have been dragged along with it. It took the young people of the country, those we asked to risk their lives, to point out the tragedies of our policies. The banner was picked up by courageous journalists, businessmen, religious leaders, a few Members of Congress, and others who continued their fight despite immense pressure. They were called "nervous Nellies," "Communist sympathizers," and "neoisolationists." Their very patriotism was questioned. But they persevered, and the American public has responded. In voting for the Nedzi-Whalen amendment, I feel that I am voting for the wishes of the people of my district and the people of the Nation, as well as voting for a logical, workable plan to close the books on a sad chapter of American history.

Mr. EDWARDS of California. Mr. Chairman, I rise to speak in favor of the Nedzi-Whalen amendment to the Military Procurement Act. I do not believe that anyone needs to be convinced of the necessity to bring an end to the bloodshed in Vietnam at this point. But, the question remains, does the Congress have the integrity and resolve to assert its legislative powers to insure the war's conclusion, something nearly all of us now acknowledge as necessary?

I know that I have received hundreds of letters in the last week or so urging me to use whatever powers I might have as a Congressman to cut off funds—end the war by the end of the year. I have heard from young people, children, senior citizens, veterans, every conceivable group. They are all asking for the same thing. Not all of these people understand the mechanics of what is needed to end this conflict, but they are putting their trust in me to do what I can, as their elected representative. I am sure that I am not the only person here today who has heard the anguished cry from the people of America to stop the war.

I know, too, we are all aware of the growing frustration of the citizens of this country—their fear that they are powerless to influence their Government. Citizens ask me frequently what they can do to help end the war. I always answer that they should write to their elected representatives, that we seek to fulfill their will.

The question remains, will we, indeed, act on this legislation according to the will of the people? I am not so naive to think that we are in danger of our jobs if we, at every instance, on every issue, fail to act according to the wishes of our most vocal constituents. But this is an issue almost unique in America today. I believe the people are watching and they will remember.

I urge all of my colleagues to search their consciences and to vote, in good conscience, for the Nedzi-Whalen amendment. This legislation allows whatever time is necessary for an orderly planned withdrawal of our troops. It is not an extreme measure. It is something that every responsible critic of the war can support with the full knowledge that he is safeguarding our troops, our prisoners of war, and most importantly, the American people against a brutal continuance of the Vietnam tragedy.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Michigan (Mr. NEDZI) and the distinguished gentleman from Ohio (Mr. WHALEN). The amendment would prohibit the use of any funds contained in H.R. 8687, the defense procurement bill for fiscal 1972, for any U.S. military operations or deployment in or over North or South Vietnam, Laos, or Cambodia, after December 31, 1971.

It seems incredible, but it is true that, despite the fact that our involvement in

the war in Indochina has entered its second decade, the House has never before had the opportunity to cast a clear-cut vote on ending the war.

That opportunity has finally presented itself and Members of this House, Mr. Chairman, are in effect being given a chance to catch up with the American people. Five months ago, 73 percent—almost three in four of those surveyed—told pollsters they favored congressional initiatives to end the Indochina war by December 31, 1971. That is precisely what is at issue when we vote on the Nedzi-Whalen amendment.

This is the longest war in our Nation's history. Without question, it is the most tragic.

The human costs alone are almost beyond comprehension. We have heard the shameful statistics before, but we cannot allow their repetition to dull our sensitivities. More than 50,000 American lives have been lost; total American casualties number more than a quarter million. About 1,600 American soldiers are either captured by the enemy or missing in action. South Vietnam counts 130,000 lives lost in combat, and more than a million combined military and civilian casualties. Our Defense Department sets North Vietnamese combat deaths at 742,000, or a total almose equal to the entire population of my home State of Hawaii.

Costs in money are also enormous. In this country alone, over $100 billion has been diverted from urgent domestic needs to conduct the war that everybody wants ended.

And the highest cost may, in the end, be the tearing apart of the fabric of American society. From 12,000 miles away, this conflict in a remote area of the world is setting parent against child, old against young, frustrated citizens against established institutions.

The time has come to say, "Enough." A date must be set for total U.S. withdrawal. And if, for whatever reason, the President chooses not to set a date, then Congress must do it.

The passage of the pending amendment will not, by itself, force the end of our participation in the Indochina war on December 31, 1971. Presumably, enough materiel exists in the procurement pipeline to supply U.S. troops for some substantial time after the end of this year. But an "aye" vote on this amendment is vitally important, Mr. Chairman, because by it we can make it clear to the administration that because of its refusal to act, the Congress will take the necessary steps to end the war in Southeast Asia at the earliest possible date.

Mr. Chairman, the vote on the Nedzi-Whalen amendment will no doubt turn out to be one of the most important votes, if not the most important in the 92d Congress. It is imperative, therefore, that we vote right, and the right vote is "aye."

Mr. MONAGAN. Mr. Chairman, I support the Nedzi-Whelan amendment because it states in effective language the desire of the people of the United States that the U.S. military involvement in Indochina be terminated with the utmost dispatch.

I supported in the Democratic caucus the resolution which stated our determination as Members of Congress to work toward a termination of military involvement by the end of the current Congress.

The present amendment expresses the intent of Congress that funds should not be expended for military operations in that area after the close of the current calendar year.

Even though the argument is made that there might be some effect upon negotiations by the specification of a date, it does seem to me that the Congress should not pass this occasion to let the people of the country know that their desire to put an end to this conflict is not being ignored or disregarded here in Washington.

While the expression of a desirable date is set forth in this amendment, nevertheless, the President is given the discretion to set a further date in case of danger and there is a specific provision that the amendment should not affect the constitutional powers of the President as Commander in Chief. There are also further provisions which specifically preserve the President's power to provide asylum and to give assistance to Cambodia, Laos, and Vietnam.

Finally, there is a specific provision that the amendment should not in any way limit the use of funds for any purpose necessary to insure the return of the U.S. prisoners of war.

The rate at which U.S. troops are being withdrawn from Vietnam does present the possibility that the date in question may be an academic one provided the withdrawals continue. It may even be as former Secretary of State Dean Acheson has said, that the retention of U.S. prisoners by North Vietnam will be pointless in due time since their further imprisonment will no longer have any effect in bringing about the withdrawal of U.S. troops. I feel, however, that it is desirable that our objective be expressed and in view of the fact that the President's existing powers are not affected, it seems to me that there are compelling reasons to warrant the House in supporting this amendment.

Mr. REID of New York. Mr. Chairman, I rise in support of the Nedzi-Whalen amendment.

First of all, I believe that an end to the war could have been negotiated a long time ago if either administration had been willing to change some of its premises and taken some truly meaningful "risks for peace." As an example, I remember when Pierre Mendes-France, on June 17, 1954—exactly 17 years ago to the day—took a risk for peace when he announced that he would resign from office in 30 days if he had not negotiated a settlement to the French involvement in Indochina. To quote just a short portion of his speech, he said:

> The war has placed an unbearable burden on our country. . . . I advocated peace at an earlier date when we still held more trump cards than we do today. But even now there are certain conditions which would be unacceptable. . . . France has not accepted and will not accept any conditions for a settlement that would be incompatible with her vital interests. . . . If it has not been possible to achieve a satisfactory solution (within four weeks,) . . . my Government will offer its resignation to the President of the Republic.

Mendes-France promised a responsible solution to that war. I believe it is possible for the United States to work out a responsible settlement in the same sense, guaranteeing the safe return of our prisoners of war, providing amnesty for any who wish it, guarding against any bloodbath, and providing for a responsible transfer of power to free government.

I think we have missed a number of chances for peace in the past. But what troubles me even more are indications that even now, with 50,000 casualties and billions of dollars behind us, we may still be missing chances for peace.

I regret indications that this administration is not putting maximum and timely priorities on negotiations. Just yesterday Secretary Rogers strongly implied that one of our major objectives in the war was to insure that South Vietnam would be kept independent and non-Communist through "preventing the North Vietnamese from overrunning South Vietnam militarily." Are we going to wait until the South Vietnamese are totally self-sufficient until we will begin to negotiate seriously for an end to our involvement in this war? If so, we had better not hold our breath.

Furthermore, it is becoming increasingly possible that this administration is more concerned about timing than it is about serious negotiations now. Vietnamization seems to be becoming the policy of gradual troop withdrawals related to a residual force concept and not unrelated to the presidential campaign in Saigon in October.

Many of us are not anxious or happy to force the President to do certain things in the area of foreign policy; obviously this is an area where any President should exercise leadership, and where his test must be accomplishment, not good efforts or good intentions.

The sad fact is, however, that sufficient leadership is not being exercised, that negotiations are not being pressed, and that the House—a body which is coequal with the Senate—must exercise its constitutional responsibilities. Congress has no choice, therefore, but to support this amendment, not only as an expression of grave concern over this lack of leadership and priority in the negotiations, but also as a vital and clear message that many of us can no longer accept continued casualties as a trade for vague political or strategic timing.

The more we delay in these negotiations, the weaker our position gets, the fuller the heroin hospitals become, and the longer our casualty lists grow. Unless our leaders choose to act with courage, similar to the French in 1954, our men will be coming home from Vietnam not in troop transports, but in boxes, while our cities decay and while people throughout the country, young and old, become so disenchanted as to give up hope of a peaceful and just society.

Mr. Chairman, I urge support of the amendment.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this amendment. As has been made clear, it is at best a symbolic gesture which accomplishes nothing toward the withdrawal of American forces from Southeast Asia or toward ending the conflict there. This body can,

however, do something truly meaningful in demonstrating our support for the President of the United States in his effort to lead us toward a lasting and honorable peace by voting down the Nedzi-Whalen and all like amendments.

In all fairness it should be pointed out to those who would attempt to turn the present conflict in Southeast Asia into Mr. Nixon's war that when this President came into office all the decisions which resulted in our deep involvement there had already been made. He found more than 550,000 American soldiers heavily involved in a war in Southeast Asia, with great restrictions having been placed on their conduct of that war, with many billions of dollars and many thousands of precious lives already lost, and with no plan in progress either to win the conflict or to extract our forces from it.

He did not have the option of deciding whether or not there would be a war. It had long existed when he came to the White House. He did not get to decide whether there would be American involvement or whether combat forces would be sent there, or whether their conduct of the military operations should be severely restricted, for all these decisions had long since been made.

The war in Vietnam, therefore, is not, has not been, and cannot be Mr. Nixon's war.

When peace is achieved, however, it will be the President's leadership which has been decisive toward obtaining that cherished goal.

Mr. Nixon, shortly after coming into office, initiated what is now called the Nixon doctrine, in which he made clear to Asian leaders, to the American people, and to the world that in the future we will seek to substitute economic and military assistance to those nations to which we have commitments or which we deem vital to our security for the kind of American combat force involvement which has been the case in Korea and Vietnam. While providing a nuclear umbrella and such economic and military assistance, we would seek a partnership arrangement in both defense and development, and would look to those threatened and their own neighbors to provide the combat forces for the defense of their own area.

In Vietnam itself, he devised a plan for peace. He initiated a program of Vietnamization and phased withdrawal which is to date proceeding ahead of schedule and is succeeding. He indicated his continued willingness to negotiate with the Communist representatives toward the achievement of peace in Vietnam and Southeast Asia and has made a continuing effort toward meaningful negotiations. He has made clear the one condition upon which he will insist is self-determination for the people of the Republic of Vietnam.

There has to this point been little progress on this front, but it is well to understand that the negotiation table is to the Communists simply a battlefront, a battleground on which they seek to win that which they could not militarily achieve.

It may be that a display of unity behind the President will strengthen his hand until those Communist leaders who have been encouraged by well-publicized demonstrations of disunity and dissent on the part of some over the war in Southeast Asia will come to terms.

Certainly we cannot serve the interest of meaningful negotiations by such actions as the passage of this amendment or by actions which imply in any way our abandonment of the President's single goal of self-determination for the people of South Vietnam as a sine qua non of peace.

Whether or not we make progress at the negotiation table, it is clear the success of the Vietnamization program will continue to make possible the phased withdrawal of our forces while leaving the people of that troubled country with a real and, in my judgment, excellent chance for self-determination. Such self-determination will, I am certain, be expressed through the continuation of a representative non-Communist government elected through the regular free elections provided in the present constitution of the Republic of Vietnam.

It is manifestly clear to me that the present President, coming into office and finding our Nation in what seemed a hopeless involvement in a no-win war, has set us firmly on the road to peace and has given the leadership which history demanded in our time. He does not deserve a reprimand of any kind from this body such as the passage of this amendment might imply, or even the symbolic instruction which it might give. He needs our support and confidence as he continues to lead us toward what he has described hopefully as a generation of peace.

Mr. Chairman, as has been pointed out, the symbolic gesture of the passage of this amendment can serve to further confuse the situation and disillusion the American people in that it actually accomplishes nothing toward withdrawal and nothing toward peace. Support for our President, however, can provide the means to a complete withdrawal and an honorable peace, and the only means which is safe to our combat forces and which provides any hope for self-determination for the people of the Republic of Vietnam.

Our President has given leadership that is worthy to be followed. I urge the Members of this body to unite behind that leadership in defeating the Nedzi-Whalen amendment. In delivering the message to Hanoi which this action will clearly speak we shall indeed be striking a blow for peace.

Mr. HORTON. Mr. Chairman, I think that the nationwide discussions of the Nedzi-Whalen amendment to H.R. 8687, the Military Procurement Authorization Act of 1971, have suffered more than debates on any other issue in my memory, from the severe polarization America has suffered in the past 5 years. It has been the strength of our democracy that realism, rationality, logic, and compromise has carried the day toward progress, and toward the continued strength of the democratic process.

Today, however, the order of the day is emotion, symbolism, guilt, and blame, balanced poorly if at all by pride, trust, and even more symbolism on the other side.

Points being most strongly debated on this amendment are whether or not a date for final troop withdrawal from Southeast Asia should be set by Congress—a goal which this amendment does not accomplish—whether or not we have been deceived by this Chief Executive or the last, whether or not supporting the President is reason enough, of itself, to vote one way or the other way. Allegations have been made that we, not the North Vietnamese should shoulder the bulk of moral guilt for Vietnam, while others allege that we should shoulder none, and they all of it. Some are saying that regardless of what we, as a Congress do, or do not do, the Executive cannot be trusted to carry it out. Others say he should be trusted so completely that there is no necessity to even involve ourselves in the question of Vietnam.

I would begin, Mr. Chairman, by submitting that none of these questions are key points, or even side issues in the worthiness or unworthiness of this amendment. Perhaps it will not be popular to focus discussion of my view of Nedzi-Whalen on the legislative and constitutional aspects of this amendment, but I feel these are the only considerations relevant to our action here today.

I have heard it said that to vote for this amendment would be to turn one's back on all of the progress President Nixon has made so far in ending our involvement in this war. On the other side, a respected citizens group, Common Cause, proclaimed in a nationwide newspaper ad last week that this amendment would assure the return of our prisoners of war. Both of these statements are as false as they are foolish. Both are results of a polarizing process which has brought us to the point where it is nearly impossible to hold a discussion on Vietnam without invoking words of blame, guilt, prejudice, or generalities which cannot be substantiated. The Vietnam issue automatically evokes thoughts of death, communism, credibility, morality, national priorities. The whole tragic experience makes one immediately think of what he or she would like the world to be like, and about that which is distasteful and horrible in our real world. All of these feelings and symbols are issues in Vietnam. All of them are proper subjects for extended national and congressional soul searching and discussion. But unfortunately, it is too easy, and too irresponsible for anyone to believe that these wrongs can be righted, or these ideals reached by our action on an amendment to the Military Procurement Act of 1971.

To fully explain my own thinking on the whole issue of Vietnam, on the pace of our withdrawal and the President's policies, I would like to read a public statement I made early last week on Vietnam withdrawal:

VIETNAM WITHDRAWAL

(By Hon. FRANK HORTON, of New York, June 8, 1971)

In January, 1969, when this Administration took office, there were 550,000 U.S. troops in Vietnam. As of June 3, 1971, there were

250,900, about half the earlier figure. By December 1, 1971, the President has pledged to reduce our troop commitment to 180,000. President Nixon deserves full credit for this progress, and for the fact that despite massive U.S. troop withdrawals, the level of hostilities and casualties, throughout Indochina, and particularly within the borders of South Vietnam, have been substantially reduced. There has been a substantial increase in the proportion of the South Vietnamese people who are able to live and work in "secure" or pacified areas, compared with two and three years ago.

This progress, however, should not be allowed to overshadow the fact that there is still a shooting war in progress in Indochina, killing 45 or more Americans per week, in addition to many more Asians, both military and civilian. Nor can we allow this substantial progress to overshadow the continuing adverse effects of the Vietnam war on American society. These effects include the alienation of large segments of American young people, for whom the war is pointless, brutal and immoral, and for whom it threatens continued conscription and possible assignment to the jungles of Indochina. The war is also distorting our national priorities and diverting our attention from serious problems of poverty, hunger, antiquated health care delivery, teeming urban areas, serious neglect of our educational systems, our environment and the quality of life in our society—all of these problems can trace some major roots to the Vietnam war. Seven years of 54,500 dead, of whom 45,000 were killed in hostile action, hundreds of thousands wounded, of more than $100 billion spent, and all for a goal which becomes vaguer and more remote to the American people as each day passes.

These factors, to me, must be very, very heavily weighed in determining the pace of our withdrawal from Indochina and in beginning in earnest, the implementation of the Nixon Doctrine, which calls for helping those nations which can and will help themselves, *without* committing American troops to brush fire wars.

It is for these reasons that I publicly expressed my disappointment with the President's recent announcement that the withdrawal rate of 12,500 troops per month through May 1st would be increased only to 14,300 men per month after May 1st. At this rate, the last American would leave Vietnam in January of 1973.

I believe this schedule is too prolonged, even compared with the seven years we have already spent in Vietnam with large numbers of U.S. troops. What was apparent to me in the President's April 7th message on troop withdrawals was a seeming uncertainty in his own analysis of the situation. In that speech, he pronounced Vietnamization a success—and surely there is ample evidence that this policy *has* enabled us to withdraw thousands of troops without sacrificing either security or military effectiveness on the part of the allies. But on the other hand, he suggested that a withdrawal plan faster than what he was outlining would present the danger of a communist takeover of the South Vietnamese government. This, to me, is a contradiction in terms. Perhaps it is evidence of a sincere question in the President's own mind as to exactly what level of strength and preparation the South Vietnamese must reach before they are ready for total withdrawal.

Having come this war, the American people are less and less interested in providing American military security for the South Vietnamese and are more and more interested in the return of American prisoners of war and of U.S. troops. Our people sincerely feel that we have more than lived up to our commitment to the Vietnamese, that we have bled enough. They are ready to judge that the South Vietnamese are as ready as they will ever be to defend themselves.

I do not believe that these decisions should be made by public opinion polls, or by street demonstrations. On the other hand, I don't think the American people will be satisfied any longer to take their cues on the Vietnam war over the TV screen in the form of Presidential messages to the people on the progress of our policies. America has endured countless televised appeals to patience and understanding from the past two Presidents. While their messages are meaningful, and while President Nixon has been able to report real progress in ending our involvement, these messages have lost their impact on our people. They seem, despite concrete progress, to paint a vaguer and vaguer picture of where we stand, and when it will all end.

This is why I believe that the people must be able to feel that they will have some definitive voice, through the Congress, in the course of this war and of our withdrawal. Despite the sincerity and success of President Nixon, I feel a stronger Congressional role is needed in the form of participation in decisions affecting the rate of our troop withdrawals.

I do not believe that Congressional action should take the form of pre-emptive shut off of the President's power to make decisions affecting Vietnam. This would be the same as seizing from the President his Constitutional powers as Commander-in-Chief, and would presume unnecessarily that his actions were not based either upon fact or upon necessity. The alternative I would choose, however, does follow the Constitutional division of power between Congress and the President.

Whenever Congress authorizes a domestic program, the School Lunch Program for example, it sets a date after which the President will have to request Congress to extend his authority to conduct this program. Together with his request, he must show reasons why he feels or does not feel that the particular program should be extended.

Despite indirect and passive action on military appropriations, Congress has made no direct authorization of military activity in Indochina since the passage of the Tonkin resolution in 1964. With the repeal of that resolution last year, there is really no direct authority for the continuation of U.S. military activities in that area, although Congress has knowingly authorized funds and set limitations on our actions there, implying approval of them.

I would support legislation to end all authority for U.S. military activity in Indochina as of a certain date. This would mean that unless the President requested and received authority to continue military involvement in Vietnam beyond that date, he would have to withdraw our forces consistent with certain conditions guaranteeing release of our prisoners of war and safe withdrawal of our men.

In order for the President to conduct military activities in Indochina beyond that date, he would have to come to Congress prepared to justify his request for extended authority, indicate for how long he was requesting an extension and for what level of troops and dollars. His request could be cut or expanded, accepted or rejected by Congress—but the authority could only be extended by a majority vote of both the House and the Senate—like the extension of any other program. Presumably, if Congress granted one extension, it could grant another, but it would have to do so by affirmative vote.

This would be the first time in seven years that individual Congressmen and Senators would face a direct decision on the cessation or continuation of U.S. involvement in Vietnam. Whatever their decision, it would indicate much greater participation by the American people, through their representatives, in the determination of our Vietnam policy and in the setting of our withdrawal rate.

Congress, of course, would no longer be confined to sideline criticism of Presidential policies. Its Members and Senators would themselves share a major responsibility for the consequences of their decision, just as the President now has full responsibility for his decisions. Despite the considerable progress that has been made in Vietnam, I do not feel the American people want Congress to be silent as to our further course there. And this kind of silence must be measured by the presence or absence of responsible action, not of political speechmaking.

I fully expect that my constituents and my colleagues will measure my vote today, and my future votes on questions related to Vietnam by the yardstick described in this statement of June 8. The key portion of this statement, the portion by which Nedzi-Whalen must be measured, says again:

> I would support legislation to end *all* authority for U.S. military activity in Indochina as of a certain date. This would mean that unless the President requested and received authority to continue military involvement in Vietnam beyond that date, he would have to withdraw our forces *consistent with certain conditions guaranteeing release of our prisoners of war and safe withdrawal of our men.* (emphasis added)

If I may, Mr. Chairman, let me attempt to sort away the emotionally charged arguments that have been raised in this Chamber today and focus directly on just what the Nedzi-Whalen amendment to the Military Procurement Authorization Act would and would not do:

First, the Nedzi-Whalen amendment prohibits the expenditure of any funds under the Military Procurement Authorization Act, after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, Cambodia, or Laos.

The amendment does not end all, or even a significant part of the authority for the President to conduct warfare or deploy troops in Indochina, but prohibits only the shipment and usage of heavy military equipment that is to be newly procured in fiscal 1972, in Indochina after the end of this calendar year. Legally, the President could conduct a vigorous war in Vietnam indefinitely, and could even deploy additional troops and send additional existing aircraft, armor, missiles, ships, and other items not purchased with funds authorized by this bill.

Second, the Nedzi-Whalen amendment, although it contains language in subsidiary sections about safe withdrawal and prisoners of war, would not and could not insure the return of prisoners or safe withdrawal as many of its proponents have claimed.

The amendment does not make the termination of procurement authority contingent on the safe return of prisoners or on safe withdrawal of our remaining forces. In fact, it removes these bargaining tools from the President's negotiating arsenal—to the extent only of funds for the procurement of equipment—after December 31. I feel it is very important at this time for the President to retain these bargaining tools.

Under the language of Nedzi-Whalen, if the same amendment were attached to a stronger bill, for instance the Defense appropriations bill, the President would be forced to withdraw all troops by December 31 with or without the return of our prisoners, and with or without assurances that the withdrawal would be under safe and protected conditions, unless he were able to convince Congress that an extension of time were needed to accomplish these two vital goals.

This is a point that should not be lightly overlooked, and yet, it is one that is difficult to explain to persons who feel that Nedzi-Whalen is the be-all and end-all of congressional action to end the war. The amendment places no conditions on the cutoff of Presidential authority to deploy troops and conduct military actions in Indochina. If this amendment were to be added to the appropriations bill, covering all military expenditures and not merely equipment development and purchases, it would require December 31 as an absolute deadline.

The language does, however, place conditions on the factors that can justify the President in coming back to the Congress to recommend legislation recommending another date within the fiscal year for the cutoff of authority. It states that he shall recommend another date only if he determines that the December 31 cutoff will not permit the safe and orderly withdrawal of U.S. troops or the return of prisoners of war. It sets conditions on the terms of any extension of the date, not on the authority cutoff itself.

As outlined in my statement of June 8, I would do just the opposite. I believe that consistent with the constitutional role of Congress in matters of war, it would be appropriate in this situation to cut off Presidential authority as of a certain date if, and only if, by that date, safe withdrawal and return of U.S. prisoners is assured and permitted by the other side.

My approach would leave some bargaining room for the President on the issues of safe withdrawal and POW's, although not on the issue of the readiness of South Vietnam to defend itself. Under Nedzi-Whalen, however, the North Vietnamese would have every reason to stand pat on POW's and on assurances of safe withdrawal. It would be in their interest to wait and see whether Congress, once having passed Nedzi-Whalen, would in fact vote the President any extension of time beyond December 31 to bargain for POW's and even for assurances of safe and orderly withdrawal. For without a granting of the extension by Congress they would be free to hold our prisoners long after withdrawal and even free to attack our remaining forces in the process of withdrawal—at a cost of even more lives.

Disregarding the fact that this amendment is being sought for a bill which would render it almost powerless from a legislative standpoint—a flaw which I do not consider to be fatal to the purpose of the amendment—I feel that leaving open the question of whether or not Congress will insist on return of our POW's and safe withdrawal of our troops as the price for our complete and early withdrawal by a fixed date is a very serious, and perhaps irresponsible step.

That is why I will vote to support the McDade amendment, the text of which follows:

Amendment offered by Mr. McDade: An amendment to the Nedzi–Whalen amendment. Section 401 of the amendment is amended to read as follows:

"Section 401. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos: *Provided*, That all United States prisoners of war under control of the North Vietnamese, the Vietcong or their allies, be released not less than four months prior to the above date: *And provided further*, That the Government of North Vietnam, the Vietcong and their allies shall do nothing to interfere with the safe withdrawal of United States troops."

Frankly, Mr. Chairman, the McDade amendment is an imperfect one also. Under the Military Procurement Authorization Act, it, too, is really powerless to actually cut off Presidential authority, even after our POW's are returned and our safe and orderly withdrawal is assured by the other side.

It also could be improved by a provision which would contemplate and permit the President to come back to Congress and seek an extension of time if he thought circumstances warranted an extension. Of course, no extension could be granted in any case without a majority vote of both the House and Senate.

But despite these deficiencies, the McDade amendment does put the conditions relating to POW's and safe withdrawal in the proper place—limiting the terms of the cutoff of authority, thus leaving the President with the ability to bargain and negotiate for the POW's and for safe withdrawal between now and December 31.

I believe the adoption of the McDade amendment would at least be a meaningful expression of congressional intent to speed up substantially the pace of our disengagement, and of congressional intent not to abandon the POW's or to leave to chance the safety of our withdrawing forces. The McDade amendment may only have symbolic value when attached to a procurement authorization, but it would have the full force of law if added to the defense appropriation.

In closing, I would share with my colleagues the observation that this horrible war, and the numbness and revulsion our Nation has developed to it, has produced some unfortunate effects and beliefs among a very large and very sincere segment of the American people. Faced daily with reports of deaths and misery caused by our own military actions, these Americans have come to have almost more faith in the intentions and in the humanity of the North Vietnamese than in our own Government. Despite the fact that the North Vietnamese have yielded nothing, I repeat, nothing, since the 3-year-long Paris negotiations began, many Americans sincerely believe that they will act promptly and honestly to return our POW's and permit safe U.S. withdrawal if only we would set a date for withdrawal.

While even the North Vietnamese themselves have not said this, and even though their past actions do not even suggest that it is safe to assume they would comply so easily with these conditions, these beliefs are widely and sincerely held.

A few of these same people have also come to believe that communism is merely a strawman for the radical right in this Nation to pursue in justification of militarism, and not an onerous political system which utilizes terror, thought control, and suppression of freedom to survive.

I must state that our actions in this Chamber today, or any day, must not be predicated on assumptions of what the North Vietnamese may or may not do, or what they will or will not agree to do. It is possible that they will release all of our POW's, that they will abide by firm guarantees of safe and orderly withdrawal, and that they will suddenly begin permitting inspection of their prison camps and acknowledge openly the presence of their own troops in South Vietnam, Cambodia, and Laos.

It is also possible, and perhaps probable, that they will not do these things.

Just as I feel it is vitally important for Congress to reassume its rightful and constitutional role in the military and war and peace policies of this Nation, I feel it is equally important that we not act in such a way as to encourage the North Vietnamese to continue their inhumanity, and their shield of indifference. Thus, I cannot support an amendment which would even symbolically leave open the question of whether or not we will demand our POW's and safe withdrawal as the price for setting an early date for total withdrawal from Indochina. For leaving open this vital question in the Halls of Congress is tantamount to closing the question at the Paris peace table.

Consistent with these thoughts and with the terms of the statement I made on June 8, I must, therefore, vote for the McDade amendment to Nedzi-Whalen and, should that fail, I must cast my vote against the original Nedzi-Whalen language.

The CHAIRMAN. The Chair recognizes the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) to close debate.

Mr. GERALD R. FORD. Mr. Chairman, we have before us the Nedzi-Whalen amendment. Also we have the Robison amendment. In addition we have the Mink substitute. And we have the McDade amendment to the Mink substitute.

These amendments approach the problem in a variety of ways. We have different dates of withdrawal to consider. There are some that emphasize a cease-fire, some that emphasize the problem of the prisoners of war and those missing in action, and some that give carte blanche authority to the President to exercise his constitutional authority as Commander in Chief. Others have a variety of exceptions, loopholes, and escape hatches.

What this proves to me, Mr. Chairman, is that in utmost good faith individuals or groups of individuals have sought to express their individual views without the benefit of the traditional committee hearing where the proponent of an amendment or of a bill has the opportunity to explain and justify his proposal.

We in this instance have not had the experience of a committee or a subcommittee interrogating the proponents as to what was their intent, what the words mean, and what the proposal really envisages if it becomes law.

For those reasons, among others, I believe all of the proposals currently before us should be defeated.

I have been promised and the House has been guaranteed that next week the gentleman from New Jersey (Mr. GALLAGHER), the chairman of a subcommittee of the House Committee on Foreign Affairs, will invite all proponents of all suggestions to testify before his subcommittee, so that that group, Democrats and Republicans, will have the benefit of the wording and of the intent. If that subcommittee and if the full Committee on Foreign Affairs decides that something ought to be done by Congress to help the President solve the war in Vietnam, that committee will make a recommendation, and we can pass judgment on it in this body here in a far more responsible way.

As I said earlier, I believe the Nedzi-Whalen amendment is defective because it is symbolic. It is meaningless. It has no real substance. It will be better known for its loopholes and its escape hatches than for what it seeks to accomplish.

The gentleman from New York (Mr. ROBISON), I believe is well intentioned, but he attaches his proposal to an amendment which is fundamentally weak. As the gentleman from New York (Mr. DOW), said, it is feeble; it is as wide open as a barn door. I do not believe the Robison amendment materially helps the Nedzi-Whalen amendment.

Then of course we have the Mink substitute amendment, which does seek to do something in a categorical way. That is by far a more frank approach than the Nedzi-Whalen amendment. But then the gentleman from Pennsylvania (Mr. MCDADE), seeks to water down what the Mink substitute seeks to do, by the attachment of language which puts us right back in the same ball park as the Nedzi-Whalen amendment, which I believe is fundamentally unsound and which I believe unfortunately misleads the American people.

I pass no condemnation on the authors of the amendment in any way. It is just the net effect of that amendment.

For these reasons, Mr. Chairman, I hope that all amendments are defeated when we vote.

The CHAIRMAN. All time has expired.

The Chair will now put the question on the first amendment, which is the Robison amendment to the Nedzi-Whalen amendment.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that immediately prior to the vote on the amendment and the amendment to the amendment, on the substitute and the amendment to the substitute, that the Clerk be directed to read the text of the various amendments and substitutes, and so forth.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The Clerk will read the Robison amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York to the amendment offered by Mr. Nedzi: SEC. 402(a) of the amendment is amended to read as follows:

"SEC. 402(a). No funds authorized to be appropriated pursuant to this Act may be expended after April 30, 1972, to support the deployment of United States military personnel or the conduct of any United States military operations in or over South Vietnam, North Vietnam, Cambodia or Laos if by such date a cease-fire has been arranged either by the parties involved or by the United Nations or by any group of neutral nations, and if by such date an agreement has also been consummated by the parties involved for the identification and exchange of prisoners of war and all Americans held as prisoners of war anywhere in former Indochina have been released."

Strike subsection 402(b), and then redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROBISON), to the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROBISON of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. M'KINNEY TO THE AMENDMENT BY MR. NEDZI

Mr. MCKINNEY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. MCKINNEY to the amendment offered by Mr. NEDZI: Strike out Subsection B and insert the following in lieu of: "This section shall not take effect unless an agreement has been reached prior to December 1, 1971, between the Governments of the United States and the Peoples Republic of North Vietnam for the setting of a definite date of a ceasefire and a mutual return of prisoners of war."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut to the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The amendment to the amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Pennsylvania (Mr. MCDADE), to the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCDADE. Amendment to the substitute offered by Mrs. MINK; in the last line, strike the word Laos and the period and insert the following: Laos, *Provided*, That all U.S. prisoners of war under control of the North Vietnamese, the Viet Cong or their allies, be released not less than four months prior to the above date; and *Provided Further*, That the government of North Vietnam, the Viet Cong and their allies shall do nothing to interfere with the safe withdrawal of U.S. troops."

Strike subsection 401 (b).

Redesignate subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e) respectively.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MCDADE), to the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and on a division (demanded by Mr. MCDADE) there were ayes 37, noes 146.

Mr. MCDADE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentlewoman from Hawaii.

The Clerk read as follows:

Amendment offered by Mrs. MINK as a substitute for the amendment offered by Mr. NEDZI: Title V, General Provisions, of H.R. 8687—Fiscal Year 1972 Defense Authorization bill—is amended by adding the following new section:

"SEC. 502. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos."

The CHAIRMAN. The question is on the substitute amendment offered by the gentlewoman from Hawaii (Mrs. MINK), for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

TELLER VOTE WITH CLERKS

Mr. HOWARD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HOWARD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mrs. MINK, Mr. PRICE of Illinois, and Mr. NEDZI.

The Committee divided, and the tellers reported that there were—ayes 82, noes 327, not voting 25, as follows:

[Roll No. 143]

[Recorded Teller Vote]

AYES—82

Abourezk	Eilberg	Nix
Abzug	Evans, Colo.	O'Neill
Anderson, Tenn.	Fascell	Pepper
Aspin	Ford, William D.	Podell
Badillo	Fraser	Preyer, N.C.
Barrett	Fulton, Pa.	Pucinski
Begich	Gaydos	Rangel
Bingham	Gibbons	Rees
Blatnik	Green, Pa.	Reid, N.Y.
Brasco	Halpern	Reuss
Burke, Mass.	Harrington	Riegle
Burton	Hathaway	Roncalio
Byrne, Pa.	Hawkins	Rosenthal
Celler	Hechler, W. Va.	Roush
Chisholm	Howard	Roybal
Clay	Karth	Ryan
Collins, Ill.	Kastenmeier	Scheuer
Conyers	Koch	Stanton, James V.
Corman	Leggett	Stokes
Culver	Link	Symington
Daniels, N.J.	McCloskey	Thompson, N.J.
Dellums	Macdonald, Mass.	Udall
Denholm	Mikva	Ullman
Dingell	Mink	Vanik
Dow	Mitchell	Waldie
Drinan	Morse	Yates
Eckhardt	Mosher	Yatron
Edwards, Calif.		

NOES—327

Abbitt	Foley	Miller, Ohio
Abernethy	Ford, Gerald R.	Mills, Ark.
Adams	Forsythe	Mills, Md.
Addabbo	Fountain	Minish
Albert	Frelinghuysen	Minshall
Alexander	Frenzel	Mizell
Anderson, Calif.	Frey	Mollohan
	Fulton, Tenn.	Monagan
Anderson, Ill.	Galifianakis	Montgomery
Andrews, Ala.	Gallagher	Moorhead
Andrews, N. Dak.	Garmatz	Morgan
	Gettys	Murphy, Ill.
Annunzio	Giaimo	Murphy, N.Y.
Archer	Goldwater	Myers
Arends	Gonzalez	Natcher
Ashbrook	Goodling	Nedzi
Ashley	Gray	Nelsen
Aspinall	Griffin	Nichols
Baker	Griffiths	Obey
Baring	Gross	O'Hara
Belcher	Grover	O'Konski
Bell	Gubser	Passman
Bennett	Gude	Patman
Bergland	Hagan	Patten
Betts	Haley	Perkins
Bevill	Hall	Pettis
Biaggi	Hamilton	Peyser
Biester	Hammer-schmidt	Pickle
Blackburn		Pike
Blanton	Hanley	Pirnie
Boggs	Hanna	Poage
Boland	Hansen, Idaho	Poff
Bolling	Hansen, Wash.	Powell
Bow	Harsha	Price, Ill.
Brademas	Harvey	Price, Tex.
Bray	Hastings	Pryor, Ark.
Brinkley	Hays	Quie
Brooks	Hébert	Quillen
Broomfield	Heckler, Mass.	Railsback
Brotzman	Henderson	Randall
Brown, Mich.	Hicks, Mass.	Rarick
Brown, Ohio	Hicks, Wash.	Reid, Ill.
Broyhill, N.C.	Hillis	Rhodes
Broyhill, Va.	Hogan	Roberts
Buchanan	Holifield	Robinson, Va.
Burke, Fla.	Horton	Robison, N.Y.
Burleson, Tex.	Hosmer	Rodino
Burlison, Mo.	Hull	Roe
Byrnes, Wis.	Hungate	Rogers
Byron	Hunt	Rooney, Pa.
Cabell	Hutchinson	Rostenkowski
Caffery	Ichord	Rousselot
Camp	Jacobs	Roy
Carey, N.Y.	Jarman	Ruth
Carney	Johnson, Calif.	St Germain
Carter	Johnson, Pa.	Sandman
Casey, Tex.	Jonas	Sarbanes
Cederberg	Jones, Ala.	Satterfield
Chamberlain	Jones, N.C.	Saylor
Chappell	Jones, Tenn.	Scherle
Clancy	Kazen	Schmitz
Clausen, Don H.	Keating	Schneebeli
	Kee	Schwengel
Clawson, Del	Keith	Scott
Cleveland	Kemp	Sebelius
Collier	King	Selberling
Collins, Tex.	Kluczynski	Shipley
Colmer	Kuykendall	Shoup
Conable	Kyl	Shriver
Conte	Kyros	Sikes
Cotter	Landgrebe	Sisk
Coughlin	Landrum	Skubitz
Crane	Latta	Slack
Daniel, Va.	Lennon	Smith, Calif.
Danielson	Lent	Smith, Iowa
Davis, Ga.	Lloyd	Smith, N.Y.
Davis, S.C.	Long, Md.	Snyder
de la Garza	Lujan	Spence
Delaney	McClory	Springer
Dellenback	McClure	Stafford
Dennis	McCollister	Staggers
Derwinski	McCormack	Stanton, J. William
Devine	McDade	
Dickinson	McDonald, Mich.	Steed
Dorn		Steele
Dowdy	McEwen	Steiger, Ariz.
Downing	McFall	Steiger, Wis.
Dulski	McKay	Stephens
Duncan	McKevitt	Stratton
du Pont	McKinney	Stubblefield
Dwyer	McMillan	Stuckey
Edmondson	Madden	Sullivan
Edwards, Ala.	Mahon	Talcott
Erlenborn	Mailliard	Taylor
Esch	Mann	Teague, Calif.
Eshleman	Martin	Teague, Tex.
Evins, Tenn.	Mathis, Ga.	Terry
Findley	Mayne	Thompson, Ga.
Fish	Mazzoli	Thomson, Wis.
Fisher	Meeds	Thone
Flood	Melcher	Tiernan
Flowers	Michel	Van Deerlin
Flynt	Miller, Calif.	Vigorito
Waggonner	Whitten	Wydler
Wampler	Widnall	Wylie
Ware	Wiggins	Wyman
Watts	Williams	Young, Fla.
Whalen	Wilson, Bob	Young, Tex.
Whalley	Winn	Zablocki
White	Wright	Zion
Whitehurst	Wyatt	Zwach

NOT VOTING—25

Clark	Helstoski	Rooney, N.Y.
Davis, Wis.	Long, La.	Runnels
Dent	McCulloch	Ruppe
Diggs	Mathias, Calif.	Vander Jagt
Donohue	Matsunaga	Veysey
Edwards, La.	Metcalfe	Wilson, Charles H.
Fuqua	Moss	
Grasso	Pelly	Wolff
Green, Oreg.	Purcell	

So the substitute amendment was rejected.

Mr. MACDONALD of Massachusetts. Mr. Chairman, through inadvertence I went through the wrong line and voted no. I ask unanimous consent that I be recorded as voting aye.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan, which the Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. NEDZI: Page 7, line 4 after the period insert:

"SEC. 402. (a) No funds authorized to be appropriated pursuant to this Act may be expended after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos.

"(b) If the President determines that the above limitations will not permit the safe and orderly withdrawal of all U.S. military personnel from Vietnam, or ensure the return of prisoners of war, he shall recommend to the Congress legislation setting another date within the fiscal year which will permit the accomplishment of these objectives.

"(c) This section shall not be construed to affect the constitutional power of the President as Commander-in-Chief.

"(d) This section shall not be construed to affect the power of the President to provide for (1) asylum or other means to provide for the safety of citizens of the Republic of Vietnam who may be endangered by withdrawal of U.S. forces, and (2) military and economic assistance to Cambodia, Laos, or the Republic of Vietnam consistent with the objectives of this section.

"(e) This section shall not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war.

"(f) This section shall not be construed to prohibit the assignment of customary military personnel to diplomatic missions."

Mr. ARENDS (during the reading). Mr. Chairman, I think every Member is familiar with the amendment. I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

TELLER VOTE WITH CLERKS

Mr. NEDZI. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. NEDZI. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Mr. HÉBERT, Mr. NEDZI, Mr. PRICE of Illinois, and Mr. WHALEN.

The Committee divided, and the tellers reported that there were—ayes 158, noes 255, not voting—21, as follows:

[Roll No. 144]

[Recorded Teller Vote]

AYES—158

Abourezk	Ford, William D.	Nix
Abzug		Obey
Adams	Fraser	O'Hara
Addabbo	Frenzel	O'Neill
Anderson, Calif.	Fulton, Pa.	Patten
	Fulton, Tenn.	Pepper
Anderson, Tenn.	Galifianakis	Perkins
	Garmatz	Podell
Aspin	Gaydos	Preyer, N.C.
Badillo	Giaimo	Pryor, Ark.
Barrett	Gibbons	Pucinski
Begich	Gray	Rangel
Bennett	Green, Pa.	Rees
Bergland	Griffiths	Reid, N.Y.
Biaggi	Gude	Reuss
Biester	Halpern	Riegle
Bingham	Hamilton	Rodino
Blatnik	Hanna	Roe
Boland	Harrington	Roncalio
Brademas	Hathaway	Rooney, Pa.
Brasco	Hawkins	Rosenthal
Burke, Mass.	Hechler, W. Va.	Rostenkowski
Burlison, Mo.	Heckler, Mass.	Roush
Burton	Howard	Roy
Byrne, Pa.	Jacobs	Roybal
Carey, N.Y.	Karth	Ryan
Carney	Kastenmeier	St Germain
Celler	Koch	Sarbanes
Chisholm	Kyros	Scheuer
Clay	Landrum	Schwengel
Collins, Ill.	Leggett	Selberling
Collins, Tex.	Link	Shipley
Conte	Long, Md.	Smith, Iowa
Conyers	McCloskey	Snyder
Cotter	McDonald, Mich.	Stanton, James V.
Coughlin		
Culver	McKinney	Steele
Daniels, N.J.	Macdonald, Mass.	Stokes
Danielson		Stuckey
Davis, Ga.	Madden	Sullivan
Dellums	Matsunaga	Symington
Denholm	Mazzoli	Thompson, N.J.
Dingell	Meeds	Tiernan
Dow	Melcher	Udall
Downing	Mikva	Ullman
Drinan	Minish	Van Deerlin
Dulski	Mink	Vanik
Dwyer	Mitchell	Vigorito
Eckhardt	Monagan	Waldie
Edwards, Calif.	Moorhead	Whalen
Eilberg	Morse	Widnall
Esch	Mosher	Wolff
Evans, Colo.	Murphy, Ill.	Yates
Fascell	Natcher	Yatron
Flynt	Nedzi	

NOES—255

Abbitt	Broyhill, N.C.	Devine
Abernethy	Broyhill, Va.	Dickinson
Albert	Buchanan	Dorn
Alexander	Burke, Fla.	Dowdy
Anderson, Ill.	Burleson, Tex.	Duncan
Andrews, Ala.	Byrnes, Wis.	du Pont
Andrews, N. Dak.	Byron	Edmondson
	Cabell	Edwards, Ala.
Annunzio	Caffery	Erlenborn
Archer	Camp	Eshleman
Arends	Carter	Evins, Tenn.
Ashbrook	Casey, Tex.	Findley
Ashley	Cederberg	Fish
Aspinall	Chamberlain	Fisher
Baker	Chappell	Flood
Baring	Clancy	Flowers
Belcher	Clark	Foley
Bell	Clausen, Don H.	Ford, Gerald R.
Betts		Forsythe
Bevill	Clawson, Del	Fountain
Blackburn	Cleveland	Frelinghuysen
Blanton	Collier	Frey
Boggs	Colmer	Gallagher
Bolling	Conable	Gettys
Bow	Crane	Goldwater
Bray	Daniel, Va.	Gonzalez
Brinkley	Davis, S.C.	Goodling
Brooks	de la Garza	Griffin
Broomfield	Delaney	Gross
Brotzman	Dellenback	Grover
Brown, Mich.	Dennis	Gubser
Brown, Ohio	Derwinski	Hagan

Haley	McKevitt	Schneebeli
Hall	McMillan	Scott
Hammer-schmidt	Mahon	Sebelius
	Mailliard	Shoup
Hanley	Mann	Shriver
Hansen, Idaho	Martin	Sikes
Hansen, Wash.	Mathis, Ga.	Sisk
Harsha	Mayne	Skubitz
Harvey	Michel	Slack
Hastings	Miller, Calif.	Smith, Calif.
Hays	Miller, Ohio	Smith, N.Y.
Hébert	Mills, Ark.	Spence
Henderson	Mills, Md.	Springer
Hicks, Mass.	Minshall	Stafford
Hicks, Wash.	Mizell	Staggers
Hillis	Mollohan	Stanton,
Hogan	Montgomery	J. William
Holifield	Morgan	Steed
Horton	Murphy, N.Y.	Steiger, Ariz.
Hosmer	Myers	Steiger, Wis.
Hull	Nelsen	Stephens
Hungate	Nichols	Stratton
Hunt	O'Konski	Stubblefield
Hutchinson	Passman	Talcott
Ichord	Patman	Taylor
Jarman	Pettis	Teague, Calif.
Johnson, Calif.	Peyser	Teague, Tex.
Johnson, Pa.	Pickle	Terry
Jonas	Pike	Thompson, Ga.
Jones, Ala.	Pirnie	Thomson, Wis.
Jones, N.C.	Poage	Thone
Jones, Tenn.	Poff	Waggonner
Kazen	Powell	Wampler
Keating	Price, Ill.	Ware
Kee	Price, Tex.	Watts
Keith	Purcell	Whalley
Kemp	Quie	White
King	Quillen	Whitehurst
Kluczynski	Railsback	Whitten
Kuykendall	Randall	Wiggins
Kyl	Rarick	Williams
Landgrebe	Reid, Ill.	Wilson, Bob
Latta	Rhodes	Winn
Lennon	Roberts	Wright
Lent	Robinson, Va.	Wyatt
Lloyd	Robison, N.Y.	Wydler
Lujan	Rogers	Wylie
McClory	Rooney, N.Y.	Wyman
McClure	Rousselot	Young, Fla.
McCollister	Ruth	Young, Tex.
McCormack	Sandman	Zablocki
McDade	Satterfield	Zion
McEwen	Saylor	Zwach
McFall	Scherle	
McKay	Schmitz	

NOT VOTING—21

Corman	Green, Oreg.	Runnels
Davis, Wis.	Helstoski	Ruppe
Dent	Long, La.	Vander Jagt
Diggs	McCulloch	Veysey
Donohue	Mathias, Calif.	Wilson,
Edwards, La.	Metcalfe	Charles H.
Fuqua	Moss	
Grasso	Pelly	

So the amendment was rejected.

(Mr. STAFFORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. STAFFORD. Mr. Chairman, the December 31 cutoff of fund for U.S. operations in Vietnam has now become simply a political issue which ignores present withdrawal plans, negotiations on the prisoner-of-war issue and a realistic period for concluding U.S. operations in Vietnam.

I regret these facts since I strongly favor specific action by the Congress to reassert its share of responsibility for ending our involvement in the Vietnam war. Such action at this time, however, should be taken in concert with the Commander in Chief of our Armed Forces, President Nixon, if it is to be most effective and meaningful.

The substitute amendment which was offered by the distinguished Member from New York (Mr. ROBISON) providing an April 30, 1972, cutoff date, conditioned upon a cease-fire and agreement on exchange of prisoners, would have allowed the President room and time for negotiating a settlement. It is unfortunate that more consideration was not given to this proposal, which I was happy to support.

It is my personal belief after intensive and agonizing analysis that we can end U.S. involvement in the Vietnam war on a total basis by a date no later than June 30, 1972. It is my personal hope that President Nixon will by the end of this October make clear to the American public and the Congress his intentions to do this.

I shall urge him to do so with every power at my command. I shall also urge him to order a cease-fire in all United States military operations, both on the ground and in the air, by a date of his choosing no later than December 31, 1971.

Such decisions on the part of the United States Government would end our combat involvement, would provide a setting for realistic and meaningful negotiations for the release of American prisoners of war, and would provide the practical time element to complete an orderly troop withdrawal as well as finishing construction projects which are vital to the future well being of the people of South Vietnam.

If by next November 1 the way does not seem clear and apparent for ending our involvement and recovering our prisoners of war by the outside date of June 30, 1972, then I believe it would be appropriate and necessary for the Congress to take action on its own to accomplish these ends.

President Nixon is committed to withdrawal of American troops from Vietnam. The pace is not fast enough for some of us, but I believe the President will take new initiatives in the next 4 months to step up our disengagement from Vietnam, and I am hopeful that these initiatives will lead toward a total U.S. military withdrawal from Vietnam.

AMENDMENT OFFERED BY MR. FISHER

Mr. FISHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISHER: On page 7, following line 4 in the bill, add the following new section:

"SEC. 402. No part of the funds appropriated pursuant to this Act may be used at any institution of higher learning if the Secretary of Defense or his designee determines that at the time of the expenditure of funds to such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution except that this section shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous grant to such institution which is likely to make a significant contribution to the defense effort. The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31st and June 30th thereafter the names of any institution of higher learning which the Secretaries determine on such dates are barring such recruiting personnel from the campus of the institution."

Mr. FISHER. Mr. Chairman, the pending amendment is a very simple amendment. It is a committee amendment, approved by the Committee on Armed Services by a vote of 28 to 4.

All it does is to put back into the bill for the next year the same provisions that were in the bill last year. It is similar to the provision that was written into the NASA bill, and is now in the law. It would deny funds appropriated pursuant to this act to institutions of higher learning if the Secretary of Defense or his designee determines that at the time of expenditure of funds for such institution recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of that institution.

Mr. Chairman, this matter has been debated before. It is written into the law now. It is in the NASA Act, and it serves a very good purpose, and that has been demonstrated. I would ask for the adoption of the amendment.

Mr. KYL. Mr. Chairman, would the gentleman yield?

Mr. FISHER. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I would like to direct a question to the author of the amendment.

Suppose an institution of higher learning has an office building off campus in the town, which is adjacent, and the recruiter is permitted to see college students from that institution in that building off campus.

Would that institution then be in compliance with the law for funding?

I speak here of an actual case.

Mr. FISHER. The answer is "Yes," the funds would not be disapproved, although it is the wish of our committee that the military recruitment would be permitted on the campus itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. FISHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 7, line 4, after the period insert:

"SEC. 402. None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.

"This section shall not be construed as limiting the authority of the President to take necessary measures to secure the safe return of United States servicemen held prisoner-of-war and provide asylum for people who may be endangered by the withdrawal of United States forces."

Mr. FINDLEY. Mr. Chairman, the defeat of the Nedzi-Whalen amendment, I feel, can be attributed mainly to the fact that it included a deadline date or appeared to include a deadline date for our participation in Vietnam and most of us, obviously do not want to write such a provision in the law.

The amendment that went down to defeat also had language in it which gave support to the concept of total withdrawal of our combat forces from Vietnam—a concept that I am sure most of us, and perhaps all of us, would support.

Now the slate is wiped clean. The Tonkin resolution was repealed. We have

defeated the Nedzi-Whalen amendment. I think it is notable that this body, which is sometimes called a very loquacious one, has yet to say a legislative word either of approval or disapproval of the concept of withdrawal of our forces from Vietnam.

I can see the merit of defeating a deadline date, but I also can see great merit to the President as well as to us in Congress under our responsibility under the Constitution for voicing our support for the concept of total withdrawal of our combat forces in Vietnam at the earliest practicable date.

It may be that some of us do not know what we want the military mission of our forces in Vietnam to be. I suspect that there is some doubt in some minds. I had doubts for awhile but today I had no doubt. I want the military mission of our Armed Forces in Vietnam to be the safe withdrawal of those very same forces. I think that is the totality of such mission.

My amendment says just that. It does have language which, of course, gives the President flexibility to deal with the POW's and the asylum question should this arise.

Let me read once more the language of this amendment, and I do so because I hope enough Members will stand to permit a recorded vote by tellers. I am sure you would want to know the language on which you will be voting.

I might add, too, that I have a stack of papers here in which the language of the amendment is spelled out and if anyone wants a copy of it, I hope he will come over.

In my view the amendment I will read to you in a moment gives very clear and precise support to the withdrawal program that the President has already so far advanced and encourages him down this correct road. It does not specify a precise calendar date, but it says the job should be done at the earliest practicable date, which, I think, is what we all want. It does not say December 31 or July 1. It says "the earliest practicable date" which, I hope, can be even earlier than December 31.

The amendment also protects, as I said, the flexibility of the President in dealing with the POW's. I think most important of all it fulfills the responsibility of this Chamber, which up to now, I think, we have greatly neglected, and that is to give guidance and support and direction to the President in this most difficult situation that we have ever encountered in our history.

Mr. Chairman, my amendment reads as follows:

SEC. 402. None of the resources authorized by this Act shall be used to support action by United States combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date.

This section shall not be construed as limiting the authority of the President to take necessary measures to secure the safe return of United States servicemen held prisoner-of-war and provide asylum for people who may be endangered by the withdrawal of United States forces.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. WALDIE. I would ask the gentleman if his amendment can be construed as an affirmation of the support of this body of the President's present program in Vietnam?

Mr. FINDLEY. The amendment can not be construed beyond the language of the amendment itself, which is support for total withdrawal of combat forces at the earliest practicable date.

Mr. WALDIE. Will this amendment in any way direct the President to engage in a policy different than that which he is already following?

Mr. FINDLEY. I think it leaves the Commander in Chief with a certain flexibility which he naturally would have to have in order to effect the safe withdrawal of our forces. I am sure everybody wants that.

Mr. Chairman, the language before us is hardly new. In October, 1969, similar language was embodied in a resolution sponsored by 128 Members, well over one-quarter of the House. The resolution stated:

Resolved, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

President Nixon personally expressed his support for the resolution. On October 30, he wrote to me:

I would like to express my thanks to you for your role in the introduction of the House Resolution concerning my scheduling of troop withdrawals from Vietnam. This legislative action is greatly appreciated.

The Congress refused to signify its own approval for his withdrawal policy, but nevertheless, President Nixon wisely decided to press on. Six months later, on April 20, 1970, he told the Nation:

We can now say with confidence that the South Vietnamese can develop the capability for their own defense, and we can say with confidence that all American combat forces can and will be withdrawn.

Although the President continued to announced larger and larger troop withdrawals, the Congress remained silent. Today, the President has withdrawn more than half of the men he found in Vietnam when he assumed office 2½ years ago. He has increased the rate of withdrawal. He has cut our casualties to the lowest point in 5 years. And on April 19 of this year he reaffirmed his pledge that—

Our goal, however, is a total withdrawal. We do not have as a goal a permanent residual force such as we have in Korea at the present time.

All of this he has done without one word of guidance or approval from the Congress. By our default he has assumed the entire and enormous burden of the Vietnam war and he has embarked upon a policy which has met with widespread approval among the American people, if not among their Representatives in Congress.

Mr. Chairman, exactly 113 years ago today, Abraham Lincoln paraphrasing the Book of Mark, uttered the oft quoted words: "A house divided against itself cannot stand."

Apparently, we are a House utterly and irreconcilably divided. If we stand for anything but confusion, I for one cannot determine what it may be.

The Constitution of the United States commits the warmaking power to the Congress, yet for almost a decade we have steadfastly resisted every opportunity to exercise that responsibility. With the notable exception of the Gulf of Tonkin resolution, we resisted it throughout the buildup in Vietnam, and we continue to resist it throughout the withdrawal. Now, even our 1964 expression has been repealed.

Although elected by the people of this country to represent them in the halls of government—smugly calling oursevles the body closest to the people—we studiously avoid representing the people who elected us on the most important issue facing us, and the Nation, today. Of course, it is always difficult to grasp the nettle of basic decision. It is always easier to shrink from judgments and decisions which seem difficult because of their complexity and the uncertainty of their outcome.

Nevertheless, this neglect does not absolve use from our responsibility. Nor does it mean that decisions will go unmade. Rather, it shifts the entire burden onto the shoulders of the President—a President who deserves the guidance and support which only we can give him.

It is absolutely appalling to me that the House of Representatives, after 10 long years, is still unable to devise suitable language to express itself on Vietnam policy.

Of the millions upon millions of words which have been uttered on the subject of Vietnam withdrawal, it defies credulity that the U.S. Congress has uttered not a one. Worse, that very fact more than any other rises up to challenge the integrity of the very system which you and I hold so dear and which many young people now question.

How much longer will we stand in mute silence before we ourselves will begin to raise their same questions?

To our constituents, we must seem like the cowardly lion in the "Wizard of Oz," afraid even of the shadow of committing ourselves on Vietnam policy.

It cannot be said that the Congress has not had sufficient leadership to permit it to form its own opinion. Anyone who doubts that should ask Lyndon Johnson, HUBERT HUMPHREY, or Richard Nixon. President Nixon has stated that he expects the American people to hold him accountable in 1972 for his stewardship of U.S. foreign policy, and surely they will. What a shock it would be to us all if the American people similarly decided to hold the Congress accountable.

It is not difficult to understand why the President is not anxious to see a "Johnny-come-lately" Congress deal with Vietnam policy. Having carried us beyond the point of no return with respect to troop withdrawals, it would hardly be appropriate for the Congress

to suddenly jump out front to accept the credit.

But our responsibility is broader than that. Although the President may prefer no Vietnam policy amendments at all to the pending bill, the House of Representatives is not merely a king's court selected to honor his every wish.

The Constitution clearly commits to us the responsibility to decide upon basic war policy and to participate in the formulation of foreign policy. We can hardly do so if we stand mute when the Constitution and the American people cry out for us to speak.

The amendment I am offering today simply sets as our sole military goal in Vietnam the safe withdrawal of all our combat forces at the earliest practicable date. It has a saving clause which provides for the safety of American prisoners of war and for the protection of those endangered by our withdrawal.

This is a simple, limited goal. Perhaps it is more limited than many would like to see, but surely it is preferable to alternatives which might call for a reversal of the withdrawal rate.

Others may believe that this language says too much. Perhaps some may actually prefer a reversal of policy. Some might wish to see the United States stay in Vietnam until military victory occurs.

Any Member feeling that this resolution is too limited, or that it goes too far, may offer amendments.

The crucial thing, however, is that we are charged by the Constitution and elected by the people to say something on this important question. The amendment which I am offering puts the House of Representatives clearly on the record in favor of withdrawal from Vietnam, and does so in a responsible manner.

Mr. PIKE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a couple of questions of the author of the amendment.

Is a pilot a combat force?

Mr. FINDLEY. Yes; I would interpret the words "combat force" to include any U.S. military combat personnel and combat equipment that is in the custody of U.S. personnel in the Vietnam area.

Mr. PIKE. Then the word "combat" really does not mean anything in the context of this matter?

Mr. FINDLEY. It means combat strike forces, forces that have the ability to undertake military action.

Mr. PIKE. I thank the gentleman.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. HÉBERT. This ground has been plowed over and over and over again this afternoon. While a few new seeds and new words have been sown, it is the same body dressed up a little more with a little more lipstick and eyebrow pencil. It all means the same thing. We have rejected it three times already, and I suggest we reject it a fourth time and finally.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Iowa.

Mr. GROSS. These final words of the amendment concern me greatly:

> The President may provide asylum for people who may be endangered by the withdrawal of United States forces.

How many billion dollars would it take to provide asylum for the several million people who might be endangered?

Mr. HÉBERT. This is not my language.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Illinois.

Mr. FINDLEY. I appreciate the gentleman yielding to me. The language would not authorize. It merely states that it shall not be construed as prohibiting the President from taking such action.

Mr. HÉBERT. It would not authorize and it would not prohibit.

Mr. RANDALL. Mr. Chairman, I support the amendment of the gentleman from Illinois (Mr. FINDLEY). I wish to associate myself with his remarks. It is more meaningful and will accomplish more than the Nedzi-Whalen amendment in my judgment because it does not carry all the legerdemain of what has developed in this debate as a game of dates.

We should recall the Nedzi-Whalen amendment first calls for withdrawal by December 31, 1971 and then contains an escape clause which allows the President to extend the time to July 1, 1972 or into the end of the fiscal year 1972. There have been a lot of other dates mentioned in the debate today; then there have been other dates considered by other forums than the House itself.

Most of the members of the Democratic caucus are already on record as voting for the end of the war by the end of the 92d Congress, or December 1, 1972. The President has said in various press conferences, or at least has implied by strong implication that all combat troops will be out of Vietnam by November 1, 1972. It is my own conclusion he will withdraw all our troops much earlier. On the other hand, the Findley amendment before us now is a no-date amendment. That is why it is so meaningful. It provides for withdrawal of our troops at the "earliest practicable date." How could you find better language than that? There is nothing magic about any date. Without the presence of a date we are expressing support of a safe and orderly withdrawal not by December 31, 1971, but just as soon as possible, meaning just as fast as there can be a safe withdrawal.

Let me emphasize the Findley amendment has all of the symbolism and significance of the Nedzi-Whalen amendment but is much more realistic. It creates no illusions. It is not misleading or deceiving. It says straightforwardly that we do not have to wait on any particular date but instead provides we begin now upon enactment of this procurement bill, to use the 6 months between now and December 31, which the other amendment does not consider. With this amendment there is no waiting period.

The amendment offered by the gentleman from Illinois which I support enthusiastically provides for accelerated withdrawal. It says we want our men home as soon as practicable. That means that this amendment is a kind of sense of the Congress resolution. If we support this amendment we go on record for a safe and orderly withdrawal. I hope you agree that the provisions of this amendment constitute a reasonable and meaningful expression of the sense of the House concerning withdrawal.

It is my considered judgment we should not adjourn here tonight without taking some initiative concerning withdrawal. Now that the Nedzi-Whalen amendment has been defeated and all of it's substitutes and amendments to the substitutes, we now stand without having taken any positive action in this body today.

Let us never forget the Gulf of Tonkin resolution was our only positive expression. That resolution has been repealed. The best way to describe the situation now is that the slate is clean and the page is barren of any collective expression by either body of the Congress. Oh, all of us have individually spoken up to say the time has come to end the war. But this kind of thing is not an expression of the collective membership in the nature of or in lieu of a resolution. Here and now we have the opportunity for a clear-cut vote, support or reject such a resolution.

Some of our Members stated here this evening that the membership of this House should not further divide itself but rather unite itself. If there is any consequence to these suggestions then here is an opportunity for all to unite behind the amendment of the gentleman from Illinois to express our intent to support the withdrawal of all of our forces in Vietnam at the earliest practicable date.

Those who support this amendment need entertain no fear that they will be tying the President's hands. The reason is that this amendment clearly preserves and so states that the prerogatives of the President will not be impaired. It does not limit the authority of the President to take the necessary measures to secure the return of our prisoners of war.

This amendment is one which could and should be supported by those who were for the Nedzi-Whalen amendment and also all of those who entertain the fears that that amendment was too inflexible and would impede the President's efforts to achieve complete withdrawal. Certainly this amendment is consistent with the President's policy.

We ought and should support this withdrawal amendment because we as a House should not adjourn tonight without agreeing to an expression of policy on withdrawal. The adoption of this amendment is an expression of positive action that the House of Representatives is in favor of withdrawing our troops from Vietnam at the earliest practicable date.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: Page 7, line 4, before the quotation marks insert the following new sentence: "Nothing in clause (A) or (B) of the first sentence of this paragraph or in the immediately preceding sentence shall be construed to authorize the use of any of such funds by the Central Intelligence Agency (or by any agency or person operating on behalf of the Central Intelligence Agency) to engage, in any manner or to any extent, in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any operation of the kind commonly called 'guerrilla warfare' operation) which will be executed by forces composed in whole or in part of (i) mercenaries, (ii) regular or irregular personnel of any armed force of any foreign nation or area, or (iii) personnel other than those listed in clause (i) or (ii) who are under arms and are indigenous to any foreign country or area."

Mr. BADILLO. Mr. Chairman, this is a very specific amendment limiting the activities of the Central Intelligence Agency to the gathering of intelligence, and specifically prohibiting the Central Intelligence Agency from conducting guerrilla operations in Southeast Asia. The necessity for the amendment arises because the enabling act which created the Central Intelligence Agency provides that the CIA may perform "such other functions and duties related to intelligence and affecting national security as the National Security Council may from time to time direct."

There has been clear evidence from news accounts over the years, which I am sure all of you have read, that the Central Intelligence Agency is conducting guerrilla operations in Laos and Cambodia. This last week, as you know, the Senate had a secret session involving our activities in Laos and Senator SYMINGTON in the CONGRESSIONAL RECORD indicated as follows:

In the case of Laos one is unable to cite a figure for the total cost of this war to the United States. First, because what the United States is doing, and the cost of what we are doing, continues to be cloaked with official secrecy by the executive branch. Second, one cannot cite a figure for the total cost to us of the war in Laos because, it must be said in all frankness, neither you, nor I, nor any other Member of Congress is in position to know what those costs actually are.

Yesterday, my colleague the gentleman from California (Mr. WALDIE), questioned the chairman of the committee as to whether this bill specifically included funds for the Central Intelligence Agency, and the chairman answered that it does. The chairman also refused to say what the amounts were and said that only he and the ranking minority member of the committee knew.

The gentleman from California Mr. WALDIE) also asked the chairman as follows:

What is the purpose of the CIA activity in Laos?

The chairman answered as follows:

Mr. HÉBERT. The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

If that is the understanding of the activities of the CIA by the chairman, then he should be in support of this amendment, because all I am saying is that that should be precisely the activity of the Central Intelligence Agency, to gather information, and not to engage in guerrilla activities. But because we do not know exactly what funds are avaliable either in this body or in the Senate, and we do not know exactly to what purpose they are being put, this amendment is prepared so that we can be sure that the activities are limited.

I seek only to insure that the activities of the Central Intelligence Agency be limited to those specified in the law, and that is to the gathering of intelligence. Certainly after the recent disclosures it becomes all the more important that we insure that the agencies of the executive department comply with the mandates of the Congress.

Even before the New York Times published parts of the Pentagon study of our involvement in the Vietnam war, it had become apparent that the CIA had literally been running the entire military operation in Laos, including the hiring, training, and leading of a mercenary army of Thais and Meo tribesmen and the tactical control of an air war which has made the Laotian people refugees in their own land.

As early as 1964, the CIA recruited Thai pilots to fly planes with markings of the Royal Laotian Government against Communist forces in Laos and there is evidence these Thai pilots are still flying missions in Laos, under CIA control and supervision. Reliable estimates given recently to the Senate indicate that the CIA currently is paying about 5,000 Thais to fight in Laos.

Enactment of this amendment is necessary if Congress is to regain some measure of meaningful control and oversight in the field of foreign affairs. Regardless of how individual Members might feel about the recent articles in the New York Times, it is clear that the nature and extent of our involvement in Southeast Asia has repeatedly been hidden from and misrepresented to the American people and their elected Representatives. I strongly suspect that the pattern of subterfuge and outright misrepresentation continues. This amendment represents a step toward squaring with the American people. I urge its adoption.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for a question?

Mr. BADILLO. I yield to the gentleman from California.

Mr. LEGGETT. Would the amendment preclude the CIA from supporting such things as have been reported in national magazines, such as the pay for personnel in the Saigon Police Force, which police force is being used, of course, for campaign purposes to support the Thieu government in Southeast Asia?

Mr. BADILLO. Yes it would, because it would seek to limit the Central Intelligence Agency to the gathering of intelligence and to its functions as approved by the Congress. Specifically it excludes the support of activities commonly called guerrilla warfare, support of mercenaries, support of regular or irregular personnel of any armed forces of any foreign nation or area within Southeast Asia.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the precision with which the gentleman has formulated this amendment. I believe it is an exceedingly important one. I applaud his courage and support him.

Mr. BADILLO. I thank the gentleman very much.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman's amendment seeks to place a restriction upon the use of any funds authorized in this proposed act for military or paramilitary operations in Southeast Asia organized or supervised by the Central Intelligence Agency.

The Central Intelligence Agency was established by the National Security Act. It functions under the National Security Council under the President of the United States. It initiates no activities of its own without direction from the President and/or the National Security Council.

I do not propose to debate on the floor of the House the activities or functions of the Central Intelligence Agency. I will state categorically that the intelligence activities conducted by our Government are essential to the security of this Nation.

The amendment offered by the gentleman from New York, as I read it, seeks to prohibit the Central Intelligence Agency from organizing, supervising, or conducting any so-called military or paramilitary operation of any kind in Southeast Asia which would be executed by mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, or any other personnel of a foreign nation. I will not go into the ramifications of such a restriction should it be enacted. I will merely tell the House that in my opinion, as well meaning as this amendment may be, it is very dangerous to the security of our country. Secrecy is one of the prices we must pay for survival. Today, there seems to be a penchant for exposing Government secrets which wittingly or unwittingly give aid and comfort to the enemy.

The amendment offered by the gentleman from New York would seriously restrict our intelligence activities in Southeast Asia and would certainly most seriously affect, and perhaps even prevent, the further withdrawal of U.S. troops from Vietnam.

I am not going to expand upon my statement any further.

I urge the House to overwhelmingly defeat this amendment.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and particularly the distinguished and personally deeply respected chairman of the Committee on Armed Services, I have no belief that this amendment will be adopted. The very existence of the amendment, though, I think tells you something about the troublesome nature of the CIA activities and the attitude of many Members of the Congress of the United States toward those activities.

I have been told all sorts of stories about the activities of the Central Intelligence Agency. I doubt that very many of those stories are credible or true. The fact remains, though, that nobody can rebut those stories, because everybody is confronted, when a rebuttal is sought, with the statement that the chairman just made; namely, that he is not at liberty to go into the activities of the CIA.

As a Member of this Congress, I have already begun to lose great faith, which I previously had, in Presidents of the United States and their ability to always act in the best interests of this country in all instances in which they have power. I really believe that the only check upon Presidents is the constitutional powers that are provided with oversight on the part of the Congress.

I have attempted to find over the past month what oversight of the activities—operational activities, but not the intelligence gathering activities of the Central Intelligence Agency, is, in fact, implemented in the House of Representatives.

Yesterday was the first indication I had of two people that apparently exercise some oversight, the distinguished chairman of the Committee on Armed Services, and the ranking minority member of the Armed Services Committee.

I have heard of other Members who are involved in oversight. Those people are privy to information that every Member of Congress ought to have.

Mr. Chairman, I do not want this country to be confronted with another CIA-conducted "Bay of Pigs" invasion again. That decision was made as an Executive decision based upon information that was so classified it was not even recorded in any record, and then classified. There is no possibility of this Congress determining whether an Executive decision which would involve this country in a major war is a correct decision. Congress ought to have some oversight upon and resulting responsibility for those sensitive, enormous questions of national policy.

The CIA acts under the strictest, most absolute secrecy, a policy which subjects it and its activities to all kinds of rumors that are very exaggerated, I hope, beyond that which, in fact, is truth.

Your assurances, Mr. Chairman, that this amendment is very critical to our country impressed me. They would impress me far more if you could tell me why that has to be the case.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentleman for his statement. However, there is a question that remains unanswered by the chairman of this committee with reference to the proposal of this amendment, and that is the gentleman from New York quoted the chairman and said that he described the activities of the CIA as intelligence gathering exclusively.

Now, I understand from the implications of the chairman's remarks that the CIA functions go far beyond that.

If I am not correct, I would like to stand corrected at this point. There is this vital difference and I think this body is entitled to have that difference resolved.

Mr. WALDIE. I yield to the gentleman from Louisiana for his response to the question. I know the response is affirmative, because the gentleman said yesterday they were solely engaged in such activities.

Mr. HÉBERT. Mr. Chairman, if the gentleman will yield, I would answer the gentleman from Michigan in this fashion: The moving finger writes, and having writ, moves on. The record stands for what I said yesterday and what I said today.

Mr. WALDIE. Now, Mr. Chairman, you are again emphasizing the points that I am attempting to make.

I intend to ask the chairman of the Appropriations Committee whom I also mysteriously understand has something to do with oversight of the CIA, certain questions when future appropriations bills are being considered. Every single appropriation bill brought up on this floor from now on, whether it be Agriculture, Armed Services, or Foregin Aid, I am going to ask him if there are CIA funds included in that appropriation bill.

I would also hope that the Speaker of the House would disclose to the Members of the House what Members in this body act as the Oversight Committee of the CIA, and permit me and my equally less favored colleagues to judge the Members acting in this capacity, and determine whether I want to entrust my responsibility as a Member of Congress to them in this sensitive area. I want to be convinced that the operational activities of the CIA, in fact, do not jeopardize this country. I am not fully convinced that that is so.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, and I wish to state to the Members of this body that there is a simple question that has not been resolved. The Chairman has assured me that what the sponsor of the amendment said is correct as to the functions of the CIA. Yet we have disclosures that imply that they do far more than gather intelligence. It seems that is not a classified matter and that it would be extremely difficult for any Member of this body to vote for or against this amendment without getting a clarification.

Can the gentleman expand in any way on this point?

Mr. BADILLO. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Chairman, I want to point out that I am not speaking in innuendos, I am forced to speak as I do, because in response yesterday to a question from the gentleman from California (Mr. WALDIE), the chairman stated—and first I shall read the question asked by the gentleman from California:

> Can the gentleman tell me in what portion of this bill those funds are contained?
>
> Mr. HÉBERT. No, I cannot tell the gentleman that.
>
> Mr. WALDIE. Is it available so that a Member of this House of Representatives can go to the committee and examine the classified documents involving the amount of money available for the Central Intelligence Agency in this bill?
>
> Mr. HÉBERT. No, sir, it is not. The chairman takes the full responsibility of not discussing the matter further.

So therefore even if we wanted to go to the committee and wanted to examine the classified documents to get the facts, we would find that we, as Members of the Congress, not the press, but Members of the Congress, would not have that information available.

So then we go down to the bottom of the page where the chairman is asked:

> What is the purpose of the CIA activity in Laos?

And the answer was:

> The activity of the CIA in all sections of the world, in Laos, the Middle East and everywhere is the gathering of intelligence for the protection and security of the United States.

Now, if that statement is correct and that is the activity of the CIA, then that is the purpose of the amendment, and there is no conflict, but if that statement is correct then the one made today by the chairman cannot be correct also, and the two statements cannot be reconciled.

Mr. CONYERS. Then the intent of your amendment is to merely limit the Central Intelligence Agency to those activities described by the chairman?

Mr. BADILLO. Exactly, the activities of gathering intelligence described yesterday in the CONGRESSIONAL RECORD.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the House should be told that prior to the current session of the Congress there was a Central Intellience Agency Subcommittee of the House Committee on Armed Services. During the last Congress I was privileged to be a member of that subcommittee. We acted pretty much in an oversight capacity. However, this year when the gentleman from Louisiana assumed the chairmanship of the House Committee on Armed Services he adopted a new policy.

I should not speak for the gentleman, but I think I know his motivation in formulating that new policy. He felt that no member of the Committee on Armed Services should be privy to information more delicate than any other Member, even the newest freshman is entitled. So

he did not reconstitute the CIA Subcommittee. I admire the gentleman for that, I admire his motivation.

The pending amendment brings up this point: how many is enough to oversee the activities of the Central Intelligence Agency? Is it two, 10, like it was last year, 20, or 435 Members of the House?

I know that every person in this body is an honest and well-intentioned person, but we are all people who deal in words off the cuff.

We are constantly dealing with newspaper people who are doing their job of trying to get information. So I ask you in all sincerity, would it be safe to have too many people in this political arena privy to the sensitive activities of the CIA?

I have confidence in the gentleman from Louisiana, and I have confidence in the gentleman from Illinois. If I did not have, I would introduce a resolution expressing a lack of confidence. I think that is what we ought to do if we feel that way.

Insofar as the mission is being restricted to the gathering of intelligence, I only point out, probably parenthetically, that when you are gathering intelligence in a combat situation you cannot ask a man to be in a combat area and around a combat area unless he is able to adapt himself to the environment which his job places him in.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words, and I do so just to make this statement:

I know that this amendment will be defeated, but I want to commend the gentleman from New York for his fresh ideas of reviewing some of the functions of the Central Intelligence Agency.

I frankly think that perhaps our committee can do more to really look at exactly what that agency is doing. I think by and large it is a great agency and it should be secret. But as long as it is making the foreign policy of the United States and as long as it is obviously fighting a war for us in Laos and Thailand then it should be under very, very close scrutiny. I would hope the gentleman's amendment at least brings a new awareness of the functions of this agency not only in the countries that I mentioned, but the agency does have a very, very formidable function in Vietnam.

I suppose that CIA function could be handled over a short period of time in total secrecy, but now their war has been going on for some 7, 10, and 15 years—it is all a secret how we got into this war apparently, as it would appear from the Times article the other day. It is all a secret how we are really fighting the war in these various countries. I suspect that we are going to finish it and we really will not know how many wars we have been in or really what has been done. I think we have formidable function to review this agency and I commend the gentleman again for his amendment.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to point out that this really is not a new or fresh idea. The gentlewoman from New York Edna Kelly, some 12 years ago introduced a resolution in this body asking for an oversight committee on the CIA. I heard her begging the leadership year after year to place such a committee in effect and she pointed out repeatedly that here was a large organization that was responsible to no one.

I regret that she no longer is a Member of this body. I assure you had her idea been put into effect then, it would have been extremely helpful now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and on a division (demanded by Mr. BADILLO), there were—ayes 46, noes 172.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: Title IV, General Provisions, of H.R. 8687—fiscal year 1972 Defense procurement authorization bill—is amended by adding the following new section:

"Sec. 402. The Secretary of the Treasury shall place in a special account established by him—

"(1) the amount of the funds which may be appropriated under the authority of this Act for the production or deployment, or both, of multiple independently-targetable re-entry vehicles (MIRV's), and

"(2) the amount of all appropriations made before the date of the enactment of this Act for such production or deployment, or both, which remain unexpended or unobligated on the date of the enactment of this Act.

to the extent that the sum of the amounts in clauses (1) and (2) exceed the sum of—

"(3) the cost required to complete the conversion of 16 nuclear-powered submarines to the POSEIDON missile system, and

"(4) the cost of the number of MIRV systems required to equip the launchers for the 16 nuclear-powered submarines referred to in clause (3), and

"(5) the cost of the number of MIRV systems for which appropriations were obligated on the date of the enactment of this Act for equipping Minuteman III missiles.

The funds and prior appropriations required to be placed in the special account under the preceding sentence shall be held in such account and not further obligated or expended until and unless the President reports to Congress that the Strategic Arms Limitations Talks (SALT) have not, and in his best judgment will not, provide an agreement which would enable the United States to cease further deployment of MIRV's and that continued testing and deployment by the Union of Soviet Socialist Republics of additional defensive or offensive strategic nuclear weapons systems require that such funds and prior appropriations be expended by the United States for the purposes for which they were appropriated."

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

Mr. FRASER. Mr. Chairman, this amendment deals with the MIRV program. What is does is to take the money that has not been spent and put it into a special fund to be held until the President decides that we must move ahead with the completion of the MIRV'ing of our submarines and land-based missiles. In other words, Mr. Chairman, this amendment does not cut any funds and it does not reduce the authority of the President to proceed with his programs, provided that sometime hereafter the President decides it is imperative that the United States proceed with the multiple-warhead program.

Mr. Chairman, the MIRV program is a weapons system in search of a rationale. The MIRV program was started some 3 or 4 years ago for one major purpose only, and that was to enable the U.S. offensive forces to penetrate an ABM system to be built by the Soviet Union. The Soviet Union has never built the ABM system for which the MIRV's were designed. The most the Soviet Union ever built was about 64 launchers around Moscow, an inferior ABM system, and then they stopped building it. For 2 or 3 years they have not made any progress They have not gone any further with their ABM.

Yet we have been proceeding with billions of dollars in expenditures for the multiple-warhead program to overcome a defense which does not exist.

Mr. Chairman, the President announced just a few weeks ago that we are going to get an agreement with the Soviet Union to limit ABM systems. It was the expectation of the President that before the year is out we will not have any ABM systems of any size either in the Soviet Union or in the United States.

If the President's prediction proves to be true, then clearly we do not need the multiple-warhead program, and any money spent between now and then will be wasted money, wasted money that could be used for other purposes and needs here in the United States.

I am not proposing to cut out this money but simply to put it into a special account pending completion of the SALT talks, and if they fail, and if it turns out that the Soviets are going ahead with an ABM system or other offensive missiles that would compel us to resume the program, there is nothing that would prevent the President from moving ahead.

Mr. Chairman, I provide that the stoppage of the MIRV program for the submarines stops at the 50-percent level, the halfway mark. So we can put multiple warheads on 16 out of the 31 submarines which were intended to be MIRV'ed under the complete program. When the 16 submarines have the multiple warheads—and this is what my amendment would provide—we will have added 2,300 more separately targetable warheads to the submarine arsenal.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, with the 16 submarines which I provide will be equipped with multiple warheads, and 100 Minutemen having been converted to Minuteman III, we will have added

2,500 new warheads in the past 18 months, which is more warheads than the whole total Soviet arsenal. There is no need to go further. There is no need to add another 3,000 or 4,000 separate warheads at least until we find out what is happening with the SALT talks.

The Armed Services Committee never once in 10 years has halted or slowed down any of the nuclear strategic programs. The only action the Armed Services Committee has ever taken has been to push the strategic arms race ahead, principally by insisting on the development of the B–1 bomber over the opposition of the Secretary of Defense. Never once has the committee questioned a program, "Let us perhaps do it a little differently," or "Let us halt a program we do not need."

I believe the time has come when the Armed Services Committee and the House of Representatives ought to begin to look at what the facts are and to recognize that we are fueling an arms race which threatens to destroy the entire planet.

If we do not exercise some judgment who will? Who will exercise the judgment if we do not begin to look at these facts with some care?

Mr. Chairman, I urge the adoption of this amendment. It does not cut off the funds, but simply puts them in escrow pending determination by the President that in fact those expenditures will be required if the SALT talks fail.

I thank the gentleman for yielding.

Mr. RONCALIO. Mr. Chairman, I am not a strategist or a military man of any learning. The largest unit I can speak for is a rifle company, or possibly an infantry battalion in which I lived for some 4 years of my life.

I know that in our nuclear deterrent we are the strongest Nation in the world, and this the world respects. Our power the world will continue to respect.

Let us now give the world an example of leadership and morality which the world will also respect.

This amendment does not tie the President's hands. This amendment is in support of our spokesmen at the SALT talks. This amendment will give support to the development of the ICBM's we now have, our missile program, and help to make us a strong Nation and help to give us credibility in a world which we so dearly need.

Ladies and gentlemen of the House, I respectfully urge support of this amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The gentleman from Minnesota says that this is to give the President time to decide whether we should go ahead with the MIRV, the multiple warhead missile. The President has already decided that. The Congress has already decided that.

It was not for anti-ABM use. That was not the purpose of the multiple warhead. It was to increase our offensive capability, to send in one missile head a number of explosive missiles which could be directed to different targets. That is what it was for.

The ABM was designed not because of the MIRV but to protect the United States against Soviet intercontinental ballistic missiles of all types, including multiple reentry missiles from one warhead.

The MIRV is designed to offset in the balance of power race, multiple reentry warheads from a single missile with or without multiple warheads. MIRV missiles have already been constructed by the Soviet Union in the past and they are now being constructed by them. That is what the MIRV is for.

I cannot understand this kind of logic where you tie our hands against a weapon which is designed to protect the United States while the adversary is continuing to make those weapons. It is incomprehensible to me.

Mr. FISHER. Will the gentleman yield?

Mr. HOLIFIELD. Yes. I yield to the gentleman from Texas.

Mr. FISHER. The President and the Congress have already decided it is in the national interest and in keeping with the best interests of the national security to proceed with the MIRV program. So, if this amendment were adopted, then the President would be faced with the question of whether to proceed with it or to withdraw from the SALT talks. That is the practical effect, is it not?

Mr. HOLIFIELD. Of course, the gentleman is right. We are talking in SALT, and I am for the SALT talks and I have supported the SALT talks, and we are placing different weapons on the negotiation table and offsetting them against other Soviet weapons. Take away our counters and the other fellow has all of the counters. Then how will you negotiate? I do not know how.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I want to commend the gentleman for the fine statement he has just made.

There were many of us who were around in the past when new weapons systems were developed. This brings you back in mind to the time when you heard all of the arguments against the development of the Polaris missile and the Poseidon on the nuclear submarine. These weapons have proved to be over the years the greatest deterrents to war that we have ever had rather than being weapons which would provoke one.

Mr. HOLIFIELD. The gentleman is exactly right. The Poseidon and the nuclear submarines have been the frontline of our defense against any kind of Soviet encroachment and as a part of our security, because they have been hard to find and have been on the job at all times in the different oceans of the world ready to launch an attack on the enemy when the enemy launched an attack on us. That is what they are for. They have never been used in anger and will never be used in anger, but they stand there as the most forceful deterrent against a sneak attack on the United States of any kind of weapons system in the world.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not suppose there is anything more in the American tradition than to allow a cause or a person to have its or his day in court. That means fair play; that means letting the other fellow have his say, and it means inconvenience and it means patience. I would like for the RECORD to show that one Member—and I am sure many other Members of this body feel the same way—who on frequent occasions in years past and even on this day has not always agreed with the recommendations of the Committee on Armed Services, feels that the RECORD should show admiration and commendation for the chairman of the Committee on Armed Services for the eminently and demonstrably fair fashion in which he has conducted his work in this debate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. FRASER) there were ayes 32, noes 146.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT:

"SEC. 502. No funds authorized by this legislation may be used to procure aircraft missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons to support after January 1, 1972, deployed forces in the European Theater of Operations in excess of 270,000 men: *Provided, however,* That the President shall have the power to except from this limitation on condition that he reports to the Congress fully on the reasons for such exception."

Mr. LEGGETT. Mr. Chairman, this is my last amendment. We have had a lot of very commendable debate here today. This, however, is an important amendment. The Senate debated the NATO force structure for something like 2 or 3 weeks and here we are when we will probably dispose of this amendment in 3 or 4 minutes.

Mr. Chairman, as the Members know, our nonclassified force structure in northern Europe today numbers about 200,000 men in Germany. The 6th Fleet comprises some 50,000 men and the balance of our force is split over perhaps 1,000 bases between Iran, Cairo, Turkey, Morocco, Iceland, and the NATO member countries.

While the United States is interested in reducing tensions around the world and reorienting priorities, it is this Nation that today has the troops in 3,000 locations around the world.

To my knowledge the Soviets, for all their noise and bravado, have not ventured out of Eastern Europe. They have no troops in Japan, the Pacific, and the American Hemisphere, save advisers in Cuba. They have no troops in Indonesia

or Indochina. No advisers have been noted in North Vietnam.

True, they have a few air squadrons in Egypt, and while they have ships in the Mediterranean, their ships are sea locked in the Black Sea and by the closed Suez. The Allies control Malta and Gibraltar and the United States and Britain also have virtual control of the entrances to the English Channel and the North Sea.

As far as the Chinese are concerned I have yet to receive knowledge that they have troops anyplace off the western portions of the Asian Continent.

It is in the American interest that our farflung military empire be contracted.

What I have offered is not a new Mansfield 50-percent amendment, but what I call a Willie Brandt "small step" amendment. The Secretary of State said over the weekend that we would probably negotiate a mutual 10- to 15-percent reduction in NATO-Warsaw forces in the near future. The effect of the pending amendment is to cut through the form of negotiation.

Do not worry about prearrangements with our Allies which appear to be very troublesome and nebulous but lets unilaterally program a 10-percent reduction for January 1 next.

If the Soviet reciprocate their notice of intention we let the cut go through. If not, the President has the authority under the amendment to report to the Congress that this cut is not in the national interest and the amendment is not binding.

The Soviets stated a few weeks ago as follows:

Moscow, March 30.—General Secretary of the Central Committee of the CPSU Leonid Brezhnev, speaking at the party congress in the Kremlin, noted the major tasks of the Party in the field of international relations:

"First:

"To eliminate the hotbeds of war in Southeast Asia and in the Middle East and to promote a political settlement in these areas on the basis of respect for the legitimate rights of states and peoples subjected to aggression.

"To rebuff, firmly, and immediately, all acts of aggression and international lawlessness. For this, full use must also be made of the possibilities of the United Nations.

"Repudiation of the threat or the use of force in settling differences must become a law of international life. For its part, the Soviet Union suggests that the countries which accept this approach conclude appropriate bilateral or regional treaties.

"Second:

"To proceed from the final recognition of the territorial changes that took place in Europe as a result of the Second World War. To bring about a radical turn towards a detente and peace on the continent. To ensure the convocation and success of an all-European conference.

"To do everything to ensure collective security in Europe. We reaffirm the readiness expressed jointly by the member countries of the defensive Warsaw Treaty to simultaneously annul this treaty and that of the North Atlantic Alliance or—as a first step—to dismantle their military organizations.

"Third:

"To conclude treaties banning nuclear, chemical and bacteriological weapons.

"To work for an end to the testing of nuclear weapons, including underground tests, by everyone and everywhere.

"To promote the creation of nuclear-free zones in various parts of the world.

"We stand for the nuclear disarmament of all states in possession of nuclear weapons, and for the convocation for that purpose of a conference of the five nuclear powers—the USSR, the United States, the People's Republic of China, France and Britain.

"Fourth:

"To invigorate the struggle to halt the race in all types of weapons, we favor the convocation of a world conference to consider all aspects of disarmament.

"We stand for the dismantling of foreign military bases. We stand for a reduction of armed forces and armaments in areas where military confrontation is especially dangerous, above all in Central Europe.

"We consider it advisable to work out measures that would reduce the likelihood of accidental or deliberately fabricated armed incidents that could lead to international crises and war.

"The Soviet Union is prepared to negotiate agreements to cut military expenditures, above all by the major powers.

"Fifth:

"The U.N. decisions to end the remnants of colonial rule must be carried out in full. Manifestations of racism and apartheid must be universally condemned and boycotted.

"Sixth:

"The Soviet Union is prepared for mutually advantageous cooperation in every sphere with other interested states. Our country is prepared to work with other states on such common problems as the preservation of the environment, the development of power and other natural resources, the development of transport and communications, the prevention and eradication of the most dangerous and widespread diseases, and the exploration and development of outer space and the world ocean."

Brezhnev emphasized that over the past five-year period the economic potential of the socialist states had grown substantially, the political foundations of socialism had been strengthened, the standard of living of the people had risen.

The report notes "important successes in coordinating the foreign-policy activity of the fraternal parties and states." In recent years the Warsaw Treaty military organization has been further improved. "The armed forces of the allied powers are at a high level of preparedness and are capable of guaranteeing the peaceful endeavors of the fraternal peoples."

Once this is reached, we feel that there could be a consideration of further steps for a military detente in the whole area, in particular, for converting the Mediterranean into a sea of peace and friendly cooperation," Brezhnev said.

The Soviet Union is working for positive results in its negotiations with the United States to limit strategic armaments. "Disarmament talks in general can be productive only," Brezhnev said, "If equal consideration is given to the security interests of all parties concerned, and if no one seeks for unilateral advantages."

In the recent period, the United States administration "has taken a more rigid stance on a number of international issues, including some which have a bearing on the interests of the Soviet Union."

We proceed from the assumption," the General Secretary of the CPSU Central Committee emphasized, "that it is possible to improve relations between the USSR and the United States."

Commenting on the situation in Europe, Leonid Brezhnev said that the convocation of an all-European conference could serve to improve the general situation. He noted that most states now backed this conference. "Preparations for it are moving into the area of practical politics."

The speaker noted that Soviet-French relations has had "important positive consequences for the whole course of European affairs."

"We stand for the further development and deepening of relations between the USSR and France, and regard this as an important element in international security."

"New prospects in Europe are opening up as a result of a substantial shift in our relations with the Federal Republic of Germany," Leonid Brezhnev stated. There is a sharp demarcation of political forces in West Germany over the ratification of the treaties the USSR and Poland have signed with the FRG.

"Delay in ratification would result in a fresh crisis of confidence in the whole of the FRG's policy and would worsen the political climate in Europe and the prospects for easing international tensions."

"As for the Soviet Union, it is prepared to meet the commitments it has undertaken under the Soviet-West German Treaty."

As for West Berlin, Brezhnev said that if the United States, France and Britain proceeded, from respect for the allied agreements on the special status of West Berlin, from respect for the sovereign rights of the German Democratic Republic, the current talks could be successfully concluded.

Alexei N. Kosygin stated as follows on April 6, 1971:

The Soviet Union and the fraternal socialist countries invariably worked for peaceful coexistence between states with different social systems, that we did not regard war as inevitable, and were therefore for economic competition between the two systems. We were against closed trade groupings such as the common market. We advocated comprehensive development of multi-lateral economic ties without any discrimination. That was our principled stand. We were ready for cooperation with every state which showed the desire for such cooperation and adhered to the principles of peaceful coexistence.

Andrei A. Gromyko stated on April 6, 1971:

We have no territorial claims to put to any states of the world and no intentions at all of impairing anyone's lawful rights and interests. But we also demand that our own country be treated in the same fashion.

Anyone really prepared to come to terms with us on matters that call for settlement will always find a serious and responsible partner in the person of the Soviet Union. But all desirous of encroaching upon our interests and security, upon the interests and security of our friends and allies, each time see for themselves that a policy of this order has no future.

I say, let the Soviets put their reductions where their mouth is. Let us take the troop reductions out of politics.

Mendel Rivers, my former chairman, said in this regard last year at Claremont College:

The military programs that we have voted for in the House are, in effect, responses to meet commitments created by the Senate and the Executive Branch.

Yet, I sometimes sit in wonder and listen to Senators refer to me as a field marshall or a kind of super militarist.

I think the Congress will right the order of procedure in the coming years and review our foreign policy commitments and quite possibly reduce them.

In line with this, I expect to see a real effort to reduce our troop strength in Europe. And I personally think it is time to study such reductions, or at least take a hard look at the service personnel needed to support our substantial number of dependents in that area.

I also expect our military manpower to be reduced considerably following the war in Vietnam, possibly even below the level that it was in 1964 before the great buildup for Vietnam began. If you study the Defense

budget, you will find that people are our most expensive product. You can save a lot more Defense money by reducing the number of people than by cutting out a few weapons systems.

It is a great fiction that all of our Defense money goes for big systems like the ABM, the F–15, the Polaris missile, etc. If you look at the Defense budget closely, you will find that we spend more money on people than all of the weapons systems combined. The cost of the Defense budget for personnel, military and civilian, is something over $40 billion a year.

I believe that personnel reductions can be considered in the years ahead, but I do not think we can consider a reduction in our technological capability.

I am not as concerned with the size of our armed forces as I am concerned with keeping our defenses as advanced as we can make them so as to not fall behind those powers which are working intensely to achieve technological superiority over us.

We may reduce our commitments in many areas. We may reduce our forces to meet those commitments. But we simply cannot slow down the forward thrust of our strategic capabilities because the threat they were designed to meet is not going away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: On page 5 strike out line 18 and all that follows thereafter down through page 7, line 4.

Mr. HARRINGTON. Mr. Chairman, and Members of the House, let me in my pursuit of one more lost cause attempt to describe what this is all about.

This is the anomoly of the military procurement bill. It involves $2.5 billion of authorized funds for the support of local and so-called free world forces in southeastern Asia. My objection is not one for the purpose of obliterating the program, but to its being contained in a military procurement bill which in general has as its stress the development of weapons systems, hardware of various kinds, ships, and other materiel for this country's defense.

Frankly, what bothers me, and I hope it might bother those who are still paying attention to what is going on, is that the matter, like almost all other sections of this bill, was heard in secrecy. Let me recite the situation:

The hearing started with the chief witness, the Assistant Secretary of Defense, with six of the 41 members of the Committee on Armed Services present. The chairman and I fenced in efforts to get the hearing opened so that the public and the Members of the Congress who were interested might have a chance, so they will not repeat history in a New York Times version 5 or 10 years from now, to know what we were doing in Laos, Thailand, and Vietnam. The effort was unsuccessful.

And I might note, out of fairness, that by the time the hearing was over where we devoted 2 hours to this $2.5 billion amendment, we had 21 members of the Committee on Armed Services present.

I am not saying this to defend my attendance record. I am just saying it to give you some idea of the degree of the seriousness attached to the question of this kind of program.

Until 1966 all of these funds were in our military assistance program, heard and developed by the Committee on Foreign Affairs in the House. And this is really all I am asking. I am not asking that we strike this money with the expectation that it should stay out, I am asking this so that the Congress does not find itself in the situation that was developed this week, in a study of the Nixon era in the conduct of its southeastern Asian foreign policy, where we are in the position of not knowing what they were doing. What I am suggesting is that we tear aside the veil of secrecy surrounding this process and open it up to debate, turn it over to the Committee on Foreign Affairs where our military assistance for the rest of the world is developed, and in so doing devote more than 2 hours on one obviously "pro" witness to the discussion of this subject, which involves more than 10 percent of this entire appropriation.

At least allow knowledge on the part of the House, if they want that knowledge, to be a part of what they do in deciding whether they are going to allow these funds to be used for the purposes which may involve an expansion rather than a contraction of our presence in other parts of southeastern Asia.

That is really the essence of what I am suggesting.

I hope in making this record, and I realize this is all this is going to be, that we at least let the American people know the degree of attention accorded to the expenditure of $2.5 billion which could commit us in a continuing venture to other parts of southeastern Asia over the next few years.

So my purpose is not to say—do not award the money—do not use it for the purposes stated—but to open this process up and give it to the committee that historically has had it and let us at least have the House begin to participate in a remotely relevant way in the discussion of what our policy is going to be in this area.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, of course, we all recognize the gentleman's diligence and his great knowledge of the past and of history. But during the gentleman's short time in the Congress, he does not know the history of the switching of the funds to the Committee on Armed Services in 1966.

If the gentleman cares to study the history and illuminate himself on that subject matter, he will find that the late chairman of the committee, Mr. Rivers, insisted upon the Committee on Armed Services having jurisdiction over that money and he succeeded in having that transferred in that area alone to the Committee on Armed Services.

The gentleman from Massachusetts should also recognize the facts of life and the realities of life: That, if the military assistance program was not tied in with the foreign aid program, you would not have had a foreign aid program for the last 15 years. It would have been dead. So he should know this.

However, because there is little time to discuss the merits and demerits, but he is a very intelligent young man and one of the most intelligent young men that I have met since I have been a Member of the Congress, and I am delighted to have the gentleman sitting in front of me in the committee and observe how the committee is run. But the only thing I can say is to ask that this amendment be voted down and I would point out the expression of opinion in our committee, on this amendment, was 36 to 1, and his was the lone vote.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. Certainly, I yield to the gentleman.

Mr. HARRINGTON. I appreciate the gentleman yielding—I mean the chairman. I am sorry. I stand corrected as I do often in the Committee on Armed Services.

Mr. HÉBERT. That is how the gentleman learns.

Mr. HARRINGTON. I appreciate the recognition the gentleman has accorded my presence on the committee. I only really wish to say that I am aware of the history which I think I tried fairly to allude to in the course of my discussion—at least that part of it which was heard.

My point really is only this. The historical reason for this change in committees was a full-scale involvement of this country to a greater degree than we presently are now.

We have a program that is questionable, I suppose—questionable as to the end results sought, called Vietnamization, which calls for our departure from Southeast Asia. My only feeling is this—that it may be well to provide some historical reason to restore to the Committee on Foreign Affairs its traditional jurisdiction.

I think it is something more than symbolic and logistical—this whole question of our policy in Southeast Asia. I do not want to be apprised how this all developed in the New York Times or a Louisiana paper or a west coast paper 5 years from now. I just want to make absolutely sure that the Members of this House know that at the time when the matter was determined in the Committee on Armed Services, the number of people present ranged from 6 to 21 and there were 2 hours of debate, and further that the vote to which the gentleman referred as being 36 to 1 was during the markup session when the bill in general was being dealt with. I think the basic distinction is that most of the membership who voted ultimately were not present to hear the discussion nor were opposition witnesses heard. I think the American public should certainly have a right to know and be able to be aware of the nature of this appropriation before we vote for something as substantial and as a far-reaching as this.

Mr. HÉBERT. I can say that there came into being years ago a foreign aid program growing out of the Marshall

plan. That is the time they tied up the military area, and I hope the day will come when that program is in such shape that I can vote against foreign aid.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. SEIBERLING. I will not take a minute. I wish to commend the gentleman from Massachusetts (Mr. HARRINGTON) for his courage as well as his insight. I will support this amendment, just as I will oppose the entire authorization bill, because so long as we fail to put a cutoff date on this war, I will not vote for any legislation that will help to continue the war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The question was taken; and on a division (demanded by Mr. HARRINGTON) there were—ayes 29, noes 128.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PEPPER

Mr. PEPPER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEPPER: On page 7, after line 4, insert the following:

"SEC. 402. (a) Subject to the provisions of subsection (c) of this section, no funds authorized under this act may be expended after June 1, 1972, to support the deployment or maintenance of United States Armed Forces in or the conduct of United States military operations in or over Indochina.

"(b) Nothing in this section shall be construed to affect the authority of the President to:

"(1) provide for the safety of American Armed Forces during their withdrawal from Indochina,

"(2) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces, or

"(3) to provide assistance to the nations of Indochina, in the amounts approved by the Congress, consistent with the objectives of this section.

"(c) This section shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action but held as prisoners of war have not completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to the date in subsection (a)."

The CHAIRMAN. The gentleman from Florida is recognized in support of his amendment.

Mr. PEPPER. Mr. Chairman and Members of the Committee, I feel a sense of guilt to take the time of the committee so late in the day, but I have waited a long time to have the opportunity to offer my amendment, and I would appreciate your giving me the opportunity now to explain it.

The amendment is the same as the one introduced in the other body yesterday by my distinguished colleague from Florida, Senator CHILES, and received 44 votes as against 52 in opposition.

There are two essential differences between this amendment and the Nedzi-Whalen amendment.

This amendment would prohibit the expenditure of any funds authorized by this act in the Indochina war after June 1, 1972, about a year from now, and 6 months later than the time specified in the Nedzi-Whalen amendment.

In the second place, this amendment specifically provides that this cutoff date shall not be effective if, 60 days prior to June 1, 1972, if this amendment is adopted, the enemy that holds our prisoners has not released and repatriated all those prisoners. This amendment, then, does not contemplate our pulling out, stopping our operations, without the return of our prisoners.

Mr. Chairman, Members will remember that Winston Churchill said one time:

If we open a quarrel with the past and the present we shall find that we have lost the future.

I do not rise here today to recriminate, to condemn, to castigate any President or any party. The past is past. But I raise the question whether this House wishes to continue to be a joint partner in the enterprise of continuing to conduct this war at least beyond June 1, 1972, provided 60 days before that date our prisoners of war have been repatriated.

Mr. Chairman, there is just one thing I should like to emphasize here today, and that is the courts are holding that, by every act we do to provide material and personnel and money for the conduct of this war, we are acting in the constitutional equivalent of voting for a declaration of war.

My first authority for that is Berk against Laird in the U.S. District Court for New York. This is headnote No. 1:

Notwithstanding lack of explicit declaration of war, Congress has authorized hostilities in Vietnam in a manner sufficiently explicit to satisfy constitutional requirements.

Later in this opinion the court quotes the U.S. Supreme Court, which said that when Congress appropriates money in furtherance of an act of the Executive, whether authorized or not, we ratify that Executive action.

I wish to quote one other authority, the Second Circuit Court of Appeals in the case of Orlando against Laird, decided April 20, 1971. I quote from this opinion on page 2490:

As we see it, the test is whether there is any action by the Congress sufficient to authorize or ratify the military activity in question. The evidentiary materials produced at the hearings in the district court clearly disclose that this test is satisfied.

The Congress and the Executive have taken mutual and joint action in the prosecution and support of military operations in Southeast Asia from the beginning of those operations.

Mr. Chairman and Members of the Committee, would we vote this afternoon for a declaration of war to continue these activities of military character in Indochina after June 1, 1972? If we do not prohibit the employment of personnel and materiel—materiel in this case—made available by this bill for Indochina we are, in the eyes of the courts, declaring or voting for a declaration of war there.

Mr. Chairman, I do not believe the Congress wishes to continue the joint enterprise of this tragic war beyond that time. Today is the first day I have voted, as the able Chairman knows, to curtail our fighting this Indochina war. I do hope you will adopt this amendment to place a limit of June 1, 1972, on our participation in this repulsive war if 60 days before that date our prisoners have been returned home.

Mr. HÉBERT. Mr. Chairman, I rise in opposition to the amendment.

We are again plowing the same ground. This particular amendment was defeated in the other body after a debate of weeks and weeks and weeks, and today we repeatedly defeated amendments with practically the same objective as this one. There is no use discussing it any further. The House expressed its will on several occasions. I urge the defeat of the amendment and ask for a vote.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida.

Today we have heard, time after time, stories of the disillusionment and the torment of our people due to the lingering military presence of these United States in Indochina. It is my feeling that, while we owe the duty and obligation to support the President of the United States, we also owe the duty and obligation to our people to give them a date certain upon which they can fix their hopes and aspirations that we will some day in the near future disengage from that terrible war in Vietnam.

I like the approach taken by my colleague from Florida, because he addresses his amendment to two problems. First the problem of actually fixing a date and conditioning the termination of this war upon the settlement of the prisoners-of-war problem and the problem of our people who are missing in action.

Mr. Chairman, I urge my colleagues in the Congress to support this amendment and to give our people in this country some hope in the near future that this war will terminate.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Florida, and I would like the RECORD to show that I was a cosponsor of this amendment.

While it may be said that this is old ground, and it has been fought over and over again, and the votes have indicated the desires of this Chamber to the contrary, there are some important differences which my able colleague has pointed out.

I support the amendment and previous amendments to this intent because I believe that present policy as extended is based on an erroneous premise. I support the theory of withdrawal. I support the President in his action to terminate the war. I do not agree, however, that a residual force remaining in Vietnam will do anything to bring the North Vietnamese to negotiate about anything. I do not think the North Vietnamese will negotiate about anything with this country because we are doing everything that they want done at this

point. Therefore, it seems to me, when one examines the extension of the logic of what a residual force will do, that we cannot support the contention that additional lives ought to be lost for that purpose.

I think the time has come to state realistically what it is we are doing and to recognize the fact that the North Vietnamese are not going to give us the right time of day with respect to negotiation.

If that is true—and I believe it is—then I think we ought to vote to get out in terms of a total force and resolve the question of the present policy which is predicated upon the maintenance of a residual force in order to bring about a political settlement of the dispute, which I do not think will come about.

That is the reason why I am supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PEPPER).

TELLER VOTE WITH CLERKS

Mr. PEPPER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. PEPPER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HÉBERT, Mr. PEPPER, Mr. ALEXANDER, and Mr. PRICE of Illinois.

The Committee divided, and the tellers reported that there were—ayes 147, noes 237, not voting 50, as follows:

[Roll No. 145]

[Recorded Teller Vote]

AYES—147

Abourezk	Galifianakis	Pryor, Ark.
Abzug	Gaydos	Pucinski
Adams	Gray	Rangel
Addabbo	Green, Pa.	Rees
Alexander	Gude	Reid, N.Y.
Anderson, Calif.	Hamilton	Reuss
	Harrington	Riegle
Anderson, Tenn.	Harvey	Robison, N.Y.
	Hathaway	Rodino
Aspin	Hechler, W. Va.	Roncalio
Badillo	Hicks, Wash.	Rooney, Pa.
Barrett	Howard	Rosenthal
Begich	Hungate	Rostenkowski
Bennett	Jacobs	Roush
Bergland	Karth	Rousselot
Biaggi	Kastenmeier	Roy
Biester	Koch	Roybal
Bingham	Kyros	Ryan
Blatnik	Landrum	St Germain
Boland	Leggett	Sarbanes
Brademas	Link	Scheuer
Brasco	Long, Md.	Schwengel
Broomfield	McCloskey	Seiberling
Burke, Mass.	McCormack	Smith, Iowa
Burlison, Mo.	McDade	Smith, N.Y.
Burton	McDonald, Mich.	Snyder
Byrne, Pa.		Stanton, J. William
Carney	McKinney	
Celler	Macdonald, Mass.	Stanton, James V.
Chisholm		
Collins, Ill.	Madden	Steele
Collins, Tex.	Matsunaga	Stokes
Conte	Mazzoli	Sullivan
Cotter	Meeds	Symington
Coughlin	Melcher	Taylor
Culver	Mikva	Thompson, N.J.
Daniels, N.J.	Minish	Tiernan
Danielson	Mink	Udall
Denholm	Mitchell	Van Deerlin
Dingell	Monagan	Vanik
Dow	Moorhead	Vigorito
Downing	Mosher	Waldie
Drinan	Murphy, Ill.	Watts
Eckhardt	Natcher	Whalen
Edwards, Calif.	Nedzi	Widnall
Eilberg	Nix	Wolff
Evans, Colo.	Obey	Yates
Fascell	O'Neill	Yatron
Flynt	Pepper	Zwach
Fraser	Perkins	
Fulton, Pa.	Podell	
Fulton, Tenn.	Preyer, N.C.	

NOES—237

Abbitt	Flowers	Myers
Abernethy	Foley	Nelsen
Albert	Ford, Gerald R.	Nichols
Anderson, Ill.	Ford, William D.	O'Konski
Andrews, Ala.		Passman
Andrews, N. Dak.	Forsythe	Patman
	Fountain	Patten
Annunzio	Frelinghuysen	Pettis
Archer	Gallagher	Peyser
Arends	Gettys	Pickle
Ashbrook	Giaimo	Pike
Aspinall	Gonzalez	Pirnie
Baker	Goodling	Poage
Baring	Griffin	Poff
Belcher	Gross	Powell
Bell	Grover	Price, Ill.
Betts	Gubser	Price, Tex.
Bevill	Hagan	Purcell
Blackburn	Haley	Quie
Blanton	Hall	Quillen
Boggs	Hammer-schmidt	Randall
Bolling		Rarick
Bow	Hanley	Reid, Ill.
Bray	Hansen, Idaho	Rhodes
Brinkley	Hansen, Wash.	Roberts
Brooks	Harsha	Robinson, Va.
Brotzman	Hastings	Roe
Brown, Mich.	Hays	Rogers
Brown, Ohio	Hébert	Rooney, N.Y.
Broyhill, N.C.	Henderson	Ruth
Broyhill, Va.	Hicks, Mass.	Sandman
Buchanan	Hillis	Satterfield
Burke, Fla.	Hogan	Saylor
Burleson, Tex.	Holifield	Scherle
Byrnes, Wis.	Horton	Schmitz
Byron	Hosmer	Schneebeli
Cabell	Hull	Scott
Caffery	Hunt	Sebelius
Camp	Hutchinson	Shipley
Carter	Jarman	Shriver
Casey, Tex.	Johnson, Calif.	Sisk
Cederberg	Johnson, Pa.	Skubitz
Chamberlain	Jonas	Slack
Chappell	Jones, Ala.	Smith, Calif.
Clancy	Jones, N.C.	Spence
Clark	Jones, Tenn.	Springer
Clausen, Don H.	Kazen	Stafford
	Keating	Staggers
Clawson, Del	Kee	Steed
Cleveland	Keith	Steiger, Ariz.
Collier	Kemp	Steiger, Wis.
Colmer	King	Stephens
Conable	Kluczynski	Stratton
Conyers	Kuykendall	Stubblefield
Crane	Kyl	Talcott
Daniel, Va.	Landgrebe	Teague, Calif.
Davis, Ga.	Latta	Thompson, Ga.
Davis, S.C.	Lennon	Thomson, Wis.
Davis, Wis.	Lent	Thone
de la Garza	Lloyd	Ullman
Delaney	Lujan	Waggonner
Dellenback	McClory	Wampler
Dellums	McClure	Ware
Dennis	McCollister	Whalley
Derwinski	McFall	White
Devine	McKay	Whitehurst
Dickinson	McKevitt	Whitten
Dorn	Mahon	Wiggins
Dulski	Mailliard	Williams
Duncan	Mann	Wilson, Bob
du Pont	Martin	Winn
Dwyer	Mathis, Ga.	Wright
Edmondson	Mayne	Wydler
Edwards, Ala.	Miller, Calif.	Wylie
Erlenborn	Miller, Ohio	Wyman
Eshleman	Mills, Md.	Young, Fla.
Evins, Tenn.	Minshall	Young, Tex.
Findley	Mizell	Zablocki
Fish	Mollohan	Zion
Fisher	Montgomery	
Flood	Morgan	

NOT VOTING—50

Ashley	Green, Oreg.	Moss
Carey, N.Y.	Griffiths	Murphy, N.Y.
Clay	Halpern	O'Hara
Corman	Hanna	Pelly
Dent	Hawkins	Railsback
Diggs	Heckler, Mass.	Runnels
Donohue	Helstoski	Ruppe
Dowdy	Ichord	Shoup
Edwards, La.	Long, La.	Sikes
Esch	McCulloch	Stuckey
Frenzel	McEwen	Teague, Tex.
Frey	McMillan	Terry
Fuqua	Mathias, Calif.	Vander Jagt
Garmatz	Metcalfe	Veysey
Gibbons	Michel	Wilson, Charles H.
Goldwater	Mills, Ark.	
Grasso	Morse	Wyatt

So the amendment was rejected.

Mr. DOWNING. Mr. Chairman, I ask unanimous consent to change my vote from "no" to "aye."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 7, line 4, strike out the period and insert the following: ": *Provided further*, That none of the funds authorized to be made available under the first sentence of this paragraph to support the purposes stated in clause (A) or (B) of such first sentence may be so used in any manner or to any extent with respect to Vietnamese, Laotian, or Thai forces, as the case may be, if the President determines that the government of South Vietnam, Laos, or Thailand, respectively, has failed to take appropriate steps to prevent narcotic drugs (as defined in section 101(16) of the Controlled Substances Act) produced or processed, in whole or in part, in such country from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken appropriate steps to carry out the purpose of this proviso. In implementing the provisions of this proviso, the President is authorized to utilize such agencies and facilities of the Federal Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of narcotic drugs into the United States. The President shall keep the Congress fully and currently informed with respect to any action taken by him under this proviso. Nothing contained in this paragraph or any other provision of law shall be construed to authorize the President to waive the provisions of this proviso."

Mr. HÉBERT. Mr. Chairman, I make a point of order against the proposed language as not germane to the bill. It refers to a subject not included in the bill, the matter of narcotic drugs, which is under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York wish to be heard?

Mr. RANGEL. Mr. Chairman, may I ask the distinguished chairman of the committee to allow me to explain the amendment and to reserve his point of order?

Mr. HÉBERT. I will reserve the point of order.

Mr. RANGEL. That is certainly appreciated. I thank the gentleman.

The CHAIRMAN. The gentleman from Louisiana reserves the point of order.

The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. Mr. Chairman, I am certain that all of you are just as concerned as I am about the massive narcotics epidemic which has swept our country, eaten up the inner cities, and is now rolling into the suburban areas.

As Americans, we find ourselves not only being concerned about the danger narcotics poses to our children, but now also about the danger it poses to our fighting men who are putting their lives on the line in Vietnam.

The Bureau of Narcotics and Dangerous Drugs has reported that huge amounts of opium are grown and processed in the Far East and that much of it is beginning to be smuggled into the United States.

We have been fortunate enough in our august body to have Congressman MURPHY and Congressman STEELE visit

the very nations that we are asked today to continue to give military and political support. They have been able to confirm that not only are several high officials of those countries involved in the trafficking of drugs but also that these governments and their high officials are using the very same equipment that we give them to preserve democracy to transport these drugs from area to area. Americans all over are demanding a response from the Congress of the United States, and the President himself today in a message to Congress called for an all-out offensive.

I believe that this amendment is germane because while most of the military aid bills that come before the House originate from the Committee on Foreign Affairs—which has jurisdiction over our State Department MAP program—nevertheless as the distinguished chairman pointed out earlier, all of the military assistance that goes to the countries that are listed in today's bill comes from the Armed Services Committee. We are asked today to vote on a bill, a section of which places a ceiling of $2.5 billion for military aid to the very nations that are cutting out the vitals of our youth in the United States and our fighting men abroad.

I say that if my amendment to this section of the bill is not germane, then this section itself is not germane.

All I ask in my amendment today is that we give the President the power to review whether these foreign governments are cooperating in curbing the production and trafficking of opium in their countries, and also that we give the President leverage to act against these nations if he believes they are not cooperating with us.

I cannot see how this is not germane, but I certainly will yield to the distinguished chairman of the Armed Services Committee.

Mr. MURPHY of Illinois. Mr. Chairman, I rise in support of the amendment of my colleague from New York (Mr. RANGEL).

As my colleagues in the House know, the President has stated that present efforts and procedures to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national and world emergency and that he intends to take every step necessary to deal with this emergency; including asking the Congress for a budget amendment requesting an additional $155 million to carry out these steps. The President has also called for a coordinated Federal response. I can think of no other more effective weapon or special leverage than the Rangel amendment to give the President of these United States; especially in Southeast Asia. It would allow the President to see that the Vietnamese, Laos, and Thai forces begin clearing up the narcotics corruption among officials; therefore, I urge my colleagues to support the Rangel amendment.

Mr. HÉBERT. Mr. Chairman, I insist on my point of order that the legislation is not germane, that it refers to a subject matter not in the bill, and that it comes under the jurisdiction of another committee.

The CHAIRMAN. Does the gentleman from New York care to speak to the point of order?

Mr. RANGEL. I am here, Mr. Chairman, to learn.

It seems to me section 401 provides a ceiling on the amounts of money we can provide to the nations named in this bill. Mr. Chairman, is that correct?

Mr. HÉBERT. I believe the gentleman should address himself to the Chair.

Mr. RANGEL. I was only asking for an interpretation of the bill which came out of your committee.

Mr. HÉBERT. My interpretation of the bill which came out of the committee is that this type of language is not germane to the bill. It refers to drugs, which were not included in the committee bill. This is not under the jurisdiction of the committee. It is under the jurisdiction of another committee.

Mr. RANGEL. On the question of whether or not this is germane, I suspect I will have to learn a lot in terms of becoming a parliamentarian and a good Congressman. If I correctly heard earlier one of the questions raised in connection with an amendment to the bill, the chairman responded and indicated that in 1966 these countries—Laos, Thailand, and Vietnam—were transferred from the Department of State to the Department of Defense, and the jurisdiction remains in this committee.

It just seems to me, Mr. Chairman, if we are prepared under the jurisdiction of your committee to give $2.5 billion to nations we know are trafficking in drugs, we may never have an opportunity, notwithstanding that this information has been gathered by the CIA, which has informed the Federal Bureau of Narcotics and Dangerous Drugs, and our two colleagues say they are offending us.

We are now asked to vote to give them $2.5 billion.

Mr. HÉBERT. I support the gentleman's objective, before the proper committee, but this is not the time or the place.

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Louisiana.

Mr. RANGEL. A point of information, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule on the point of order raised by the gentleman from Louisiana.

Mr. RANGEL. I was just asking, before what committee would it be germane?

The CHAIRMAN (Mr. ROSTENKOWSKI). The amendment offered by the gentleman from New York provides that none of the military assistance funds authorized to be made available by this act for South Vietnamese, Laotian, or Thailand forces shall be used if the President determines that the respective governments have failed to take appropriate steps to prevent narcotic drugs produced or processed in such countries from entering the United States unlawfully.

The President is authorized to utilize other agencies and facilities of the U.S. Government to assist foreign governments in their efforts to accomplish this end.

The subject of narcotic drugs is not elsewhere introduced in the pending bill, and the Chair notes that the amendment would bring into contemplation agencies and departments of the Government other than those involved in the normal administration of the funds authorized by this bill. It would give the President authority and responsibilities which he does not have under existing law.

The Chair has examined a precedent of the 90th Congress, rendered when an amendment was offered to the foreign assistance authorization bill for fiscal 1967. That amendment provided that assistance to certain nations should be curtailed until the President determined and reported to the Congress that those countries have established tax reform measures.

The Chairman of the Committee of the Whole on that occasion, Mr. PRICE of Illinois, ruled that the amendment was not germane. CONGRESSIONAL RECORD, volume 113, part 18, page 23977.

The Chair holds that the amendment introduces agencies and concepts not appearing otherwise in the pending bill, rendering the amendment not germane. The Chair, therefore, sustains the point of order raised by the gentleman from Louisiana.

Mr. VANIK. Mr. Chairman, today, during the debate on H.R. 8687, the fiscal year 1972 Military Procurement and Research and Development Authorization Act, we will be called to pass on a number of important amendments to this $21.8 billion bill.

This is always a difficult bill for Members who are not on the Armed Services Committee to vote on. Our goal is to provide America with the strength, with the defense hardware necessary so as to provide a deterrent which will prevent the Armageddon of a third world war. It is also our goal, as representatives of of the American taxpayer, to provide this defense with a minimum of waste, a minimum of padding and budget fat.

In the past, there has been a tendency to accept the word of the committee on faith. Forunately, we are now beginning to see some real debate on the multi-billion dollar issues involved in these defense bills. A number of members of the committee have developed a great deal of expertise in military affairs and have been able to accurately question some of the assumptions in the bill and to offer sound alternatives and amendments for the consideration of the whole House. Witnesses are appearing before the committee, who are not connected with the Department of Defense which we are supposed to be overseeing. These witnesses, such as Dr. Jeremy J. Stone, director of the Federation of American Scientists, have been able to provide expert independent testimony on some of the items in this authorization bill.

At a time when the world's two superpowers have a destructive capability equal to approximately 15 tons of TNT for every man, woman, and child on this planet, at a time when the United States is estimated to have the capacity to de-

stroy the Soviet Union 10 times over, it is time that the Congress begin to assert some controls over what has been in the past an uncontrolled military expenditure.

As Secretary of Defense Laird has said:

Since studies within the NSC (National Security Council) and the Department of Defense focus on requirements, there is a built-in tendency to request more resources than are available. . . . We cannot and should not expect the Department of Defense or the NSC to decide on the final allocation of resources between Defense and non-Defense activities. The President and ultimately the Congress must make these decisions.

Therefore, in general, I intend to support a series of amendments to this bill by members of the Armed Services Committee, which will have the effect of tightening up the defense budget and ending our involvement in the longest war of our history.

I will support the amendment by the gentlemen from Michigan (Mr. NEDZI) and Ohio (Mr. WHALEN) which would prohibit the expenditure of new funds, after January 1, 1972, to support U.S. military deployment or military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. For years, while 50,000 Americans died in Indochina, we have been preparing the South Vietnamese to defend themselves. This amendment will force that Government to make the necessary reforms and effort to stand on its own two feet. Our complete withdrawal, while ending the dislocation of our domestic economy and the dissent which has torn the very fiber of our country, will not appreciably affect the fighting strength of the South Vietnamese, since the administration has already indicated the end of our active field operations by this fall. The amendment will not weaken our negotiating position in Paris. Indeed, it should provide a breakthrough in those talks by placing the burden of reciprocal action on the North Vietnamese. The end of our involvement in that war is the only possible way that our prisoners of war will be returned to us. Only after the French withdrew from Vietnam were their prisoners released.

The amendment is worded so that if the President determines that the limitation will not permit a safe withdrawal of our men and the return of our POW's by the end of this year, he may delay the date of termination. This amendment does not prohibit the continuation of military and economic assistance to Vietnam, Laos, or Cambodia. These nations will still be able to receive material necessary to maintain operations for their self-determination.

I supported the amendment offered by the gentleman from California (Mr. LEGGETT) to provide a modest 10 percent reduction in our troop strength in Europe—unless the President reports to Congress on reasons why this cannot be done. A 10 percent reduction in our 300,000 men in Europe—with their quarter of a million dependents—will not appreciably effect our fighting strength, while it will provide an American diplomatic initiative for achieving a general reduction in troop strength in Europe by both the Warsaw Pact and NATO. The Soviet Union has recently indicated its willingness to discuss troop reductions throughout Europe. We must welcome this development and take action to move it from the realm of discussion to the field of action. A minor troop reduction will place the burden on the Soviets to reciprocate.

I might add the Armed Services Committee's concern over the inordinate burden of NATO defense upon the United States is a welcome concern. As the committee pointed out in its report, the defense of Europe is costing us some $14 billion anually. I would like to enter into the RECORD a table prepared by the committee which shows the percentage of each NATO member's GNP devoted to defense.

DEFENSE EXPENDITURES—NATO COUNTRIES

Country	Military budget	Percent of gross national product
Belgium	$721,538,000	3.0
Canada	1,676,000,000	2.0
Denmark	365,187,000	2.5
France	4,899,000,000	3.6
Western Germany	5,990,928,000	3.2
Greece	471,000,000	5.5
Iceland	(1)	
Italy	2,650,841,600	3.0
Luxembourg	8,592,000	1.0
Netherlands	1,113,304,000	3.6
Norway	369,400,000	3.7
Portugal	367,117,000	6.5
Turkey	429,992,363	3.8
United Kingdom	5,471,959,200	5.0

[1] None.

At the present time our GNP devoted to defense is estimated at between 7.4 percent to 6.8 percent. In no case do any of the other NATO members spend as much on national security as we do. In most cases it is less than half our level of effort. At a time when the dollar is under heavy pressure throughout the world, particularly in Europe, we should ask our NATO partners to assume a large burden of the defense of Europe.

I also supported the amendment which sought to limit the authorization in the bill for procurement, research and development to the total authorized for these programs last fiscal year. Within this spending ceiling the Department of Defense would have been free to allocate funds to the projects it considered most important.

This amendment would have permitted an increase in these areas over last year's actual expenditures. This is true, because, while we authorized $19.9 billion last year, we appropriated only $18.6 billion. The amendment would have allowed a full appropriation within the authorization ceiling, which would more than make up for the decrease in purchasing power due to inflation.

This amendment was important for several reasons. For some time we expected that there would be a "peace dividend" once our involvement in Vietnam was wound down and terminated. Yet that peace dividend, so important for meeting the pressing domestic needs of the country, is being absorbed by new military hardware. And much of that hardware is of a very questionable strategic and technical worth.

It is my hope that a spending ceiling can eliminate some of the more questionable programs. But I will also support specific efforts to eliminate funding for the more questionable weapons systems.

As an example of the type of weapons system which is totally dispensible, I would like to discuss some of the features of the B–1 manned bomber program. This weapon system, designed to replace or supplement the F–111 and B–52 fleets, is conservatively estimated to cost $25 billion. It is probable that this figure is very low. Some estimates on the cost of developing a new manned bomber in this age of missiles place the figure at between $50 and $75 billion.

Do we need a new manned power? Is it a good weapons system? The bipartisan group, Members of Congress for Peace Through Law, have issued a report on the B–1 which concludes that the bomber is a virtually useless weapons system that will cost an enormous amount of money to develop. The report points out that—

The advanced capabilities of ballistics missiles, both land and sea based, raise real doubts about whether a manned bomber force will be either necessary or useful in the 1980's and beyond. Each of the several nuclear mission profiles assigned to the B–1 is open to serious question in light of one simple fact—that while the aircraft is taking four hours to fly 6,000 miles, there could be eight successive nuclear missile salvos, four on each side and each answering the one before.

In addition to the question of obsolescence, in an age of missiles, there is the question of whether we need this system in addition to our hardened land-missile system, and a mobile and nearly indestructible Polaris and Poseidon system. Further, the manned aircraft is one of the easier systems to defend against. There is a real question as to whether the planes would be able to get through to their targets. As the report of members of Congress for Peace Through Law notes—

[The B–70 aircraft was developed because we saw that the Soviet Union could deploy defenses for which the B–52 was considered to be too slow. After we initiated work on the B–70, however, they deployed large numbers of high altitude SA–2 bomber interceptor missiles with nuclear warheads. Since detection of high flying aircraft is no longer a serious problem, it appeared that the B–70 would be performing in a hostile environment indeed. As it turned out, in fact, our 225 B–52 G's and H's have been superior to the B–70, because they have been built to penetrate at low altitudes, thereby avoiding detection and interception.

But the SA–2 is far from the last word in air defenses. If such work has not already been initiated, the Soviet Union can take their cue from bomber defenses which are already in the advanced planning stages in the United States, centered around AWACS, or the airborne warning and control system, designed to detect low-flying aircraft like the B–1].

It is entirely reasonable to expect that when the B–1 enters the force in the late 1970's, a new defense capable of nullifying it will arrive at about the same time.

Since it now seems clear that the life of the B–52 can be extended through modification and that that plane can be made more effective through the instal-

lation of "standoff" missiles, there is simply no reason to invest billions in a plane which has a questionable mission and a questionable ability to perform.

The bill before us contains a number of weapons systems whose usefulness is at least as questionable as the B–1. For this reason, I have supported amendments to cut the authorization level in the hope that a number of these projects can be deferred or canceled. I believe that we can get a better defense through a sounder use of the taxpayer's money.

Mr. BRINKLEY. Mr. Chairman, if the question were asked of the American people, "What is the work horse of the Army?" the overwhelming response would almost certainly be, "the helicopter." Because today Vietnam has made that fact plain. Equally clear is the fact that our Army without superior air mobility would lose its technical advantage to any major adversary.

This is why the Cheyenne helicopter is so important to the modern day Army and the role it must be equipped to play at home and abroad. The Cheyenne incorporates the power of a fullback with the quickness of a scatback; the punch of a heavyweight with the mobility of a lightweight; the dexterity of a purple martin with the sting of a red wasp. Ask anyone who has flown it. He will tell you. The Cheyenne is a truly amazing machine.

I flew the rigid rotor predecessor to the Cheyenne in 1967 at Baileys Crossroads. My exhilaration in its performance on that day matches my present enthusiasm and absolute advocacy for the procurement of the Cheyenne.

Along Shirley Highway we swooped upon an imaginary tank and pulled out with breathtaking dispatch. Its effortless ease of mobility, of ascending and descending, its acceleration and deceleration gave it unsurpassed maneuverability.

How valuable is this tool? Is its prices tag justified? My answer to the latter question is yes. To the former question, the essentiality of this weapon is vouched for by the Army's chief aviators and planners. I have full confidence in their judgment as well as utmost confidence in this splendid vehicle.

I trust that in the final version of this bill there will be authorization for $13.2 million for the Cheyenne.

Mr. ANDERSON of California. Mr. Chairman, I have read your Subcommittee on Sea Power's report on the "Status of Shipyards," and I want to commend you and other members of the committee for conducting hearings in this area, and for focusing attention on the conditions in our Nation's shipyards.

The Military Procurement bill, before us now, authorizes $3.3 billion for the construction and conversion of naval vessels.

It is my hope, Mr. Chairman, that the Department of Defense will follow the recommendations of your subcommittee, that—

The procurement should be spread among yards after a thorough examination of all problems related to the construction of the particular type ship.

Mr. ZWACH. Mr. Chairman, we have been debating this Military Procurement authorization bill for 3 days, and many of us have unsuccessfully tried to bring the funding level down. Now we are about to vote on the requested authorization which is $3.3 billion more than last year's appropriation. With the large reductions in our military force and with the closing of bases throughout the world, we should be in the position to make substantial cuts this year. Instead, we have large increases which I cannot support.

I am also very dismayed that all of our NATO Allies spend a much smaller share of their gross national product for defense than does our country. This is a gross injustice to the already harassed American taxpayer.

Our country is asked to spend 7.4 percent of its gross production for defense. Compare that to 3 percent for Belgium; 2 percent for our neighbor, Canada; 2.5 percent for Denmark; 3.6 for France; 3.2 percent for West Germany; 3 percent for Italy; 3.6 percent for the Netherlands; and 5 percent for Great Britain. I cannot agree to putting the additional costs of defending our NATO partners on the backs of our people.

Mr. Chairman, for these reasons. I am compelled to vote against this legislation.

Mr. RANDALL. Mr. Chairman, I support H.R. 8687 on final passage as amended in Committee of the Whole.

Before commenting on its provision, I wish to compliment our new chairman of the House Armed Services Committee who managed the bill on the floor. It was most refreshing and encouraging to Members that in no single instance did he move to limit or restrict debate at any point during the discussion of the bill. He made such a promise when we commenced the bill and he kept his promise. Moreover, during all committee consideration of the bill, all Members will agree he conducted the hearings fairly. Members were not recognized on the basis of their seniority but rather in the order of their arrival in the committee room. Regardless of seniority, everyone on the committee had an opportunity to be heard. The record will show that nearly every member of the committee made some contribution to this procurement bill. Members were diligent in their attendance, probing in their questions, and exercised independence in their judgment.

I support H.R. 8687, not because I am a member of the committee but because it is necessary to our basic defense needs. The fundamental purpose of this bill is to provide for the future security of the United States. It is not for financing involvement in Vietnam. We must never lose sight of the fact in this bill we are talking about deterrents against aggression of the United States itself. And, moreover, we are talking about deterrence against aggression in the future, meaning in the late 1970's and 1980's.

Repeating, what this bill is all about is future preparedness of our country and America's ability to defend itself as much as a decade from now. The assistance provided for in this bill will start us on the path for an adequate national defense many years from now. I refer to such weapons as the Safeguard system, the B–1, SAM–D, the ULMS, AWACS, the F–15 and others.

Your committee has worked diligently to make significant reductions under the budget request. We cut $60 million from the Army's main battle tank. We eliminated $24.4 million from the Navy's request for transport aircraft for fleet logistic support—$13 million was deleted from the Cheyenne helicopter program, $12 million from the Navy's torpedo authorization. The largest single item of deletion was $860,000,000 for procurement of F–14 aircraft for the Navy. This was made without prejudice against the ultimate decision to go ahead with the aircraft. The authorization may be restored if the Navy can produce a strong justification for the aircraft.

Of course, there were some additions, particularly for the F–111 which is our only interim bomber and our only present capability until the B–1 comes into inventory. Repeating, the F–111 is all we have between the expiration of our aging B–52's and our new B–1 which is many years down the road.

We all realize that defense is expensive. But we should all recognize that a desirable defensive system if it is of any value must be ready by the time a threat becomes a reality. There is quite a substantial difference between a potential but nonexistent threat, and a visibly developing threat. That is why it is so very important to keep in mind the factor of long leadtime in any complicated weapons system. You can stop the development of a weapon system any time. But if you find you need it and do not have it, there is no way to buy the time that is lost.

Because of the unpopularity of the Vietnam involvement there is a tendency of many today toward becoming antimilitary. That is due to our involvement in the most uncertain war in our history which has been a terrible experience for all of us. This has led to confusion in the minds of our people, between our involvement in this particular war and our basic defense needs.

It would be easy to vote against defense programs. It would be the popular thing to do because public opinion is running high against all things having any relationship to the military. One could score some points with his constituents by voting against this bill. A vote for this bill will not only take hard judgment but also some courage when the time comes to have to explain the exercise of that judgment to the people. In other words, it may take guts to vote for this bill while an unpopular war is fresh in the minds of our people. But it is my conviction that providing for our national security rather than yielding to current changes of public opinion is the right decision.

Overall, H.R. 8687 deserves the support of every Member of the House. As we come to the end of debate, I clearly recall the thoughts of our late chairman of the Committee on Armed Services, who expressed about the same thought on

defense posture and national security as our former Speaker, John McCormack. Both said in different words that, if ever a Member errs in his judgment, let us hope it will always be in favor of a strong defense posture. Put differently, what both of these distinguished gentlemen who are no longer with us meant is that it is much wiser to maintain a strong defense posture with weapon systems that are ready when we need them than to find we need them and not have them.

Mr. LINK. Mr. Chairman, I am voting nay on H.R. 8687, the Military Procurement bill. I do so after the failure of amendments by which Congress would have taken a positive position in directing withdrawal from the Indochina war.

I vote nay, because it is time for Congress to assert its voice in the conduct of the foreign and military policy of the United States. Since the Constitution authorizes Congress to declare war and to raise funds to carry out foreign and military policy, I believe this authority should be exercised in considering the military procurement bill. My thinking in this regard was fortified by the recent revelations about how the executive branch made decisions that led us into the Vietnam conflict.

We who supported a time certain to withdraw from Vietnam were told that doing so constituted a vote of no confidence in the President. I submit that positive congressional action toward this end undergirds the President's stated policy of withdrawal. I will continue to support the President's every effort to achieve this objective.

My concern about the President's position is his intention to maintain a residual U.S. force in Indochina, I think it is time for a clean break, and I believe the vast majority of the American people agree. Since all amendments expressing this point of view failed, I cannot, in good conscience, support H.R. 8687, which helps fund the Indochina war. We can no longer allow inconsistency and compromise to cloud our effort to end our involvement in that war.

I vote this way for the additional reason that I am persuaded by evidence presented during debate that the funds requested are in excess of adequate needs. Moreover, some of the money requested is for military equipment of questionable performance.

As we wind down the Indochina war, it seems implausible that the 1972 fund request should be $1.9 billion more than last year. With the welcome news from the White House that progress is being made at the Strategic Arms Control Treaty talks, the least we can do to underwrite our good intentions is not to increase military authorizations.

Even with an arms limitation treaty, we must maintain a strong, credible national defense. We cannot have that kind of defense by dissipating our efforts over the greater part of the globe and neglecting urgent domestic problems.

Congress must assert its rightful role in applying more reasonable criteria to our national defense requirements in full realization that a strong domestic economic and social structure is an integral part of national security.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not detain the House any longer—it is quite late—but I certainly would consider myself remiss if I did not take a few moments at this time to extend to you personally and on behalf of the Committee on Armed Services appreciation for the splendid manner, judgment, and patience which you have used in the chair during the last three trying days.

Mr. Chairman, I have not finished. I certainly want to express my very deep personal appreciation to LES ARENDS, the ranking minority member of the committee, and all members on the minority side as well as those on the majority side.

Ladies and gentlemen, I have been in this Congress for 31 years, and I do not think I have ever seen a bill conducted with such harmony and good spirits and good grace as we have this bill. It has been a pleasure, and certainly the committee and the staff are appreciative. The staff, consisting of Mr. Blandford, Mr. Slatinshek, Mr. Shumate, Mr. Ford, Mr. Cook, Mr. Morgan, Mr. Norris, Mr. Reddan, and every one of them right on down the line, have made it possible for us to come to the floor with the intelligence which we demonstrated and which you think we might have but which we certainly would not have without their arrangement of the music.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am glad to yield to my friend.

Mr. ARENDS. As my good friend, Dewey Short, used to say, "Mr. Chairman, it is a pleasure to do business with you."

Mr. HÉBERT. I thank the gentleman and congratulate all of the gentlemen on your patience for waiting so long. I tried my best to get you out of here as soon as possible.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8687) to authorize appropriations during the fiscal year 1972 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 470, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill H.R. 8687 to the Committee on Armed Services.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. HÉBERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 332, nays 58, answered "present" 1, not voting 42, as follows:

[Roll No. 146]

YEAS—332

Abbitt	Cederberg	Gettys
Abernethy	Celler	Giaimo
Adams	Chamberlain	Goldwater
Addabbo	Chappell	Gonzalez
Alexander	Clancy	Goodling
Anderson, Calif.	Clark	Gray
	Clausen, Don H.	Griffin
Anderson, Ill.	Clawson, Del	Gross
Anderson, Tenn.	Cleveland	Grover
Andrews, Ala.	Collier	Gubser
Andrews, N. Dak.	Collins, Tex.	Hagan
Annunzio	Colmer	Haley
Archer	Conable	Hall
Arends	Conte	Hamilton
Ashbrook	Cotter	Hammer-schmidt
Ashley	Coughlin	Hanley
Aspin	Crane	Hansen, Idaho
Aspinall	Culver	Hansen, Wash.
Baker	Daniel, Va.	Harsha
Baring	Daniels, N.J.	Harvey
Begich	Danielson	Hastings
Belcher	Davis, Ga.	Hathaway
Bell	Davis, S.C.	Hays
Bennett	Davis, Wis.	Hébert
Bergland	de la Garza	Henderson
Betts	Delaney	Hicks, Mass.
Bevill	Dennis	Hicks, Wash.
Biaggi	Derwinski	Hillis
Biester	Devine	Hogan
Blackburn	Dickinson	Holifield
Blanton	Dingell	Horton
Blatnik	Dorn	Hosmer
Boggs	Downing	Howard
Boland	Dulski	Hull
Bow	Duncan	Hungate
Brademas	du Pont	Hunt
Bray	Dwyer	Hutchinson
Brinkley	Edmondson	Ichord
Brooks	Edwards, Ala.	Jacobs
Broomfield	Eshleman	Jarman
Brotzman	Evans, Colo.	Johnson, Calif.
Brown, Mich.	Evins, Tenn.	Johnson, Pa.
Brown, Ohio	Fascell	Jonas
Broyhill, N.C.	Findley	Jones, Ala.
Buchanan	Fish	Jones, N.C.
Burke, Fla.	Fisher	Jones, Tenn.
Burke, Mass.	Flood	Karth
Burleson, Tex.	Flowers	Kazen
Burlison, Mo.	Flynt	Keating
Byrne, Pa.	Foley	Kee
Byrnes, Wis.	Ford, Gerald R.	Keith
Byron	Fountain	Kemp
Cabell	Frelinghuysen	King
Caffery	Fulton, Pa.	Kluczynski
Camp	Fulton, Tenn.	Kuykendall
Carney	Galifianakis	Kyl
Carter	Gallagher	Kyros
Casey, Tex.	Garmatz	Landgrebe
	Gaydos	Landrum

Latta	Patten	Snyder
Leggett	Pepper	Spence
Lennon	Perkins	Springer
Lent	Pettis	Stafford
Lloyd	Peyser	Staggers
Long, Md.	Pickle	Stanton,
Lujan	Pirnie	J. William
McClory	Poage	Stanton,
McCloskey	Poff	James V.
McClure	Powell	Steed
McCollister	Preyer, N.C.	Steele
McCormack	Price, Ill.	Steiger, Ariz.
McDade	Price, Tex.	Steiger, Wis.
McDonald,	Pryor, Ark.	Stephens
Mich.	Pucinski	Stratton
McFall	Purcell	Stubblefield
McKay	Quie	Sullivan
McKevitt	Quillen	Symington
McKinney	Randall	Talcott
McMillan	Rarick	Taylor
Macdonald,	Reid, Ill.	Teague, Calif.
Mass.	Rhodes	Teague, Tex.
Madden	Roberts	Thompson, Ga.
Mahon	Robinson, Va.	Thomson, Wis.
Mailliard	Robison, N.Y.	Thone
Mann	Rodino	Tiernan
Martin	Roe	Udall
Mathis, Ga.	Rogers	Ullman
Matsunaga	Rooney, N.Y.	Van Deerlin
Mayne	Rooney, Pa.	Vigorito
Mazzoli	Rostenkowski	Waggonner
Meeds	Roush	Wampler
Melcher	Rousselot	Ware
Miller, Calif.	Roy	Watts
Miller, Ohio	Ruth	Whalley
Mills, Ark.	St Germain	White
Mills, Md.	Sandman	Whitehurst
Minish	Satterfield	Whitten
Mink	Saylor	Widnall
Minshall	Scherle	Wiggins
Mizell	Schmitz	Williams
Mollohan	Schneebeli	Wilson, Bob
Monagan	Schwengel	Winn
Montgomery	Scott	Wright
Moorhead	Sebelius	Wydler
Morgan	Shipley	Wylie
Murphy, Ill.	Shriver	Wyman
Myers	Sikes	Yatron
Natcher	Sisk	Young, Fla.
Nelsen	Skubitz	Young, Tex.
Nichols	Slack	Zablocki
O'Neill	Smith, Calif.	Zion
Passman	Smith, Iowa	
Patman	Smith, N.Y.	

NAYS—58

Abourezk	Forsythe	Reid, N.Y.
Abzug	Fraser	Reuss
Badillo	Green, Pa.	Roncalio
Barrett	Gude	Rosenthal
Bingham	Halpern	Roybal
Bolling	Harrington	Ryan
Brasco	Hechler, W. Va.	Sarbanes
Burton	Kastenmeier	Scheuer
Chisholm	Koch	Seiberling
Collins, Ill.	Link	Stokes
Conyers	Mikva	Thompson, N.J.
Dellenback	Mitchell	Vanik
Dellums	Mosher	Waldie
Denholm	Nedzi	Whalen
Dow	Nix	Wolff
Drinan	Obey	Yates
Eckhardt	O'Konski	Zwach
Edwards, Calif.	Pike	
Eilberg	Podell	
Ford,	Rangel	
William D.	Rees	

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—42

Broyhill, Va.	Grasso	Murphy, N.Y.
Carey, N.Y.	Green, Oreg.	O'Hara
Clay	Griffiths	Pelly
Corman	Hanna	Railsback
Dent	Hawkins	Runnels
Diggs	Heckler, Mass.	Ruppe
Donohue	Helstoski	Shoup
Dowdy	Long, La.	Stuckey
Edwards, La.	McCulloch	Terry
Erlenborn	McEwen	Vander Jagt
Esch	Mathias, Calif.	Veysey
Frenzel	Metcalfe	Wilson,
Frey	Michel	Charles H.
Fuqua	Morse	Wyatt
Gibbons	Moss	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Carey of New York against.

Mr. Fuqua for, with Mr. O'Hara against.

Mr. Charles H. Wilson for, with Mr. Helstoski against.

Mrs. Green of Oregon for, with Mr. Clay against.

Mrs. Grasso for, with Mr. Metcalfe against.

Mr. Donohue for, with Mr. Hawkins against.

Mr. Shoup for, with Mr. Diggs against.

Mr. Stuckey for, with Mr. Morse against.

Until further notice:

Mr. Hanna with Mr. Pelly.

Mr. Corman with Mr. Erlenborn.

Mr. Moss with Mr. Wyatt.

Mr. Murphy of New York with Mrs. Heckler of Massachusetts.

Mrs. Griffiths with Mr. Vander Jagt.

Mr. Runnels with Mr. Ruppe.

Mr. Long of Louisiana with Mr. Broyhill of Virginia.

Mr. Michael with Mr. Mathias of California.

Mr. Edwards of Louisiana, with Mr. Veysey.

Mr. Gibbons with Mr. Frey.

Mr. McEwen with Mr. Railsback.

Mr. Frenzel with Mr. Terry.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may be allowed 5 legislative days in which to revise and extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL STATEMENT

Mr. FOLEY. Mr. Speaker, on Tuesday, June 15, on rollcall No. 134, I was absent. Had I been present, I would have voted "yea."

Mr. Speaker, on Wednesday, June 16, on rollcall No. 137 I was absent. Had I been present, I would have voted "nay."

Mr. Speaker, today, on rollcall No. 141, I was absent. Had I been present, I would have voted "nay."

ELECTION TO COMMITTEE

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (House Resolution 484) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 484

Resolved, That Edith Green, of Oregon, be, and she is hereby, elected to the standing committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NARCOTICS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–131)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In New York City more people between the ages of fifteen and thirty-five years die as a result of narcotics than from any other single cause.

In 1960, less than 200 narcotics deaths were recorded in New York City. In 1970, the figure had risen to over 1,000. These statistics do not reflect a problem indigenous to New York City. Although New York is the one major city in the Nation which has kept good statistics on drug addiction, the problem is national and international. We are moving to deal with it on both levels.

As part of this administration's ongoing efforts to stem the tide of drug abuse which has swept America in the last decade, we submitted legislation in July of 1969 for a comprehensive reform of Federal drug enforcement laws. Fifteen months later, in October, 1970, the Congress passed this vitally-needed legislation, and it is now producing excellent results. Nevertheless, in the fifteen months between the submission of that legislation and its passage, much valuable time was lost.

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency. I intend to take every step necessary to deal with this emergency, including asking the Congress for an amendment to my 1972 budget to provide an additional $155 million to carry out these steps. This will provide a total of $371 million for programs to control drug abuse in America.

A NEW APPROACH TO REHABILITATION

While experience thus far indicates that the enforcement provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 are effective, they are not sufficient in themselves to eliminate drug abuse. Enforcement must be coupled with a rational approach to the reclamation of the drug user himself. The laws of supply and demand function in the illegal drug business as in any other. We are taking steps under the Comprehensive Drug Act to deal with the supply side of the equation and I am recommending additional steps to be taken now. But we must also deal with demand. We must rehabilitate the drug user if we are to eliminate drug abuse and all the anti-social activities that flow from drug abuse

Narcotic addiction is a major contributor to crime. The cost of supplying a narcotic habit can run from $30 a day to $100 a day. This is $210 to $700 a week, or $10,000 a year to over $36,000 a year. Untreated narcotic addicts do not ordinarily hold jobs. Instead, they often turn to shoplifting, mugging, burglary, armed robbery, and so on. They also support themselves by starting other people—young people—on drugs. The financial costs of addiction are more than $2 bil-

lion every year, but these costs can at least be measured. The human costs cannot. American society should not be required to bear either cost.

Despite the fact that drug addiction destroys lives, destroys families, and destroys communities, we are still not moving fast enough to meet the problem in an effective way. Our efforts are strained through the Federal bureaucracy. Of those we can reach at all under the present Federal system—and the number is relatively small—of those we try to help and who want help, we can cure only a tragically small percentage.

Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. In this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucratically-dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us. I am not prepared to accept this alternative.

Therefore, I am transmitting legislation to the Congress to consolidate at the highest level a full-scale attack on the problem of drug abuse in America. I am proposing the appropriation of additional funds to meet the cost of rehabilitating drug users, and I will ask for additional funds to increase our enforcement efforts to further tighten the noose around the necks of drug peddlers, and thereby loosen the noose around the necks of drug users.

At the same time I am proposing additional steps to strike at the "supply" side of the drug equation—to halt the drug traffic by striking at the illegal producers of drugs, the growing of those plants from which drugs are derived, and trafficking in these drugs beyond our borders.

America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American lifestream is, in other words, a foreign import. In the last year, heroin seizures by Federal agencies surpassed the total seized in the previous ten years. Nevertheless, it is estimated that we are stopping less than 20 percent of the drugs aimed at this Nation. No serious attack on our national drug problem can ignore the international implications of such an effort, nor can the domestic effort succeed without attacking the problem on an international plane. I intend to do that.

A COORDINATED FEDERAL RESPONSE

Not very long ago, it was possible for Americans to persuade themselves, with some justification, that narcotic addiction was a class problem. Whether or not this was an accurate picture is irrelevant today, because now the problem is universal. But despite the increasing dimensions of the problem, and despite increasing consciousness of the problem, we have made little headway in understanding what is involved in drug abuse or how to deal with it.

The very nature of the drug abuse problem has meant that its extent and seriousness have been shrouded in secrecy, not only by the criminal elements who profit from drug use, but by the drug users themselves—the people whom society is attempting to reach and help. This fact has added immeasurably to the difficulties of medical assistance, rehabilitation, and government action to counter drug abuse, and to find basic and permanent methods to stop it. Even now, there are no precise national statistics as to the number of drug-dependent citizens in the United States, the rate at which drug abuse is increasing, or where and how this increase is taking place. Most of what we think we know is extrapolated from those few States and cities where the dimensions of the problem have forced closer attention, including the maintenance of statistics.

A large number of Federal Government agencies are involved in efforts to fight the drug problem either with new programs or by expanding existing programs. Many of these programs are still experimental in nature. This is appropriate. The problems of drug abuse must be faced on many fronts at the same time, and we do not yet know which efforts will be most successful. But we must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort. We need a coordinated effort if we are to move effectively against drug abuse.

The magnitude of the problem, the national and international implications of the problem, and the limited capacities of States and cities to deal with the problem all reinforce the conclusion that coordination of this effort must take place at the highest levels of the Federal Government.

Therefore, I propose the establishment of a central authority with overall responsibility for all major Federal drug abuse prevention, education, treatment, rehabilitation, training, and research programs in all Federal agencies. This authority would be known as the Special Action Office of Drug Abuse Prevention. It would be located within the Executive Office of the President and would be headed by a Director accountable to the President. Because this is an emergency response to a national problem which we intend to bring under control, the Office would be established to operate only for a period of three years from its date of enactment, and the President would have the option of extending its life for an additional two years if desirable.

This Office would provide strengthened Federal leadership in finding solutions to drug abuse problems. It would establish priorities and instill a sense of urgency in Federal and federally-supported drug abuse programs, and it would increase coordination between Federal, State, and local rehabilitation efforts.

More specifically, the Special Action Office would develop overall Federal strategy for drug abuse prevention programs, set program goals, objectives, and priorities, carry out programs though other Federal agencies, develop guidance and standards for operating agencies, and evaluate performance of all programs to determine where success is being achieved. It would extend its efforts into research, prevention, training, education, treatment, rehabilitation, and the development of necessary reports, statistics, and social indicators for use by all public and private groups. It would not be directly concerned with the problems of reducing drug supply, or with the law enforcement aspects of drug abuse control.

It would concentrate on the "demand" side of the drug equation—the use and the user of drugs.

The program authority of the Director would be exercised through working agreements with other Federal agencies. In this fashion, full advantage would be taken of the skills and resources these agencies can bring to bear on solving drug abuse problems by linking them with a highly goal-oriented authority capable of functioning across departmental lines. By eliminating bureaucratic redtape, and jurisdictional disputes between agencies, the Special Action Office would do what cannot be done presently: it would mount a wholly coordinated national attack on a national problem. It would use all available resources of the Federal Government to identify the problems precisely, and it would allocate resources to attack those problems. In practice, implementing departments and agencies would be bound to meet specific terms and standards for performance. These terms and standards would be set forth under interagency agreement through a Program Plan defining objectives, costs, schedule, performance requirements, technical limits, and other factors essential to program success.

With the authority of the Program Plan, the Director of the Special Action Office could demand performance instead of hoping for it. Agencies would receive money based on performance and their retention of funding and program authority would depend upon periodic appraisal of their performance.

In order to meet the need for realistic central program appraisal, the Office would develop special program monitoring and evaluation capabilities so that it could realistically determine which activities and techniques were producing results. This evaluation would be tied to the planning process so that knowledge

about success/failure results could guide the selection of future plans and priorities.

In addition to the inter-agency agreement and Program Plan approach described above, the Office would have direct authority to let grants or make contracts with industrial, commercial, or non-profit organizations. This authority would be used in specific instances where there is no appropriate Federal agency prepared to undertake a program, or where for some other reason it would be faster, cheaper, or more effective to grant or contract directly.

Within the broad mission of the Special Action Office, the Director would set specific objectives for accomplishment during the first three years of Office activity. These objectives would target such areas as reduction in the overall national rate of drug addiction, reduction in drug-related deaths, reduction of drug use in schools, impact on the number of men rejected for military duty because of drug abuse, and so forth. A primary objective of the Office would be the development of a reliable set of social indicators which accurately show the nature, extent, and trends in the drug abuse problem.

These specific targets for accomplishment would act to focus the efforts of the drug abuse prevention program, not on intermediate achievements such as numbers of treatments given or educational programs conducted, but rather on ultimate "payoff" accomplishments in the reduction of the human and social costs of drug abuse. Our programs cannot be judged on the fulfillment of quotas and other bureaucratic indexes of accomplishment. They must be judged by the number of human beings who are brought out of the hell of addiction, and by the number of human beings who are dissuaded from entering that hell.

I urge the Congress to give this proposal the highest priority, and I trust it will do so. Nevertheless, due to the need for immediate action, I am issuing today, June 17, an Executive Order establishing within the Executive Office of the President a Special Action Office for Drug Abuse Prevention. Until the Congress passes the legislation giving full authority to this Office, a Special Consultant to the President for Narcotics and Dangerous Drugs will institute to the extent legally possible the functions of the Special Action Office.

REHABILITATION: A NEW PRIORITY

When traffic in narcotics is no longer profitable, then that traffic will cease. Increased enforcement and vigorous application of the fullest penalties provided by law are two of the steps in rendering narcotics trade unprofitable. But as long as there is a demand, there will be those willing to take the risks of meeting the demand. So we must also act to destroy the market for drugs, and this means the prevention of new addicts, and the rehabilitation of those who are addicted.

To do this, I am asking the Congress for a total of $105 million in addition to funds already contained in my 1972 budget to be used solely for the treatment and rehabilitation of drug-addicted individuals.

I will also ask the Congress to provide an additional $10 million in funds to increase and improve education and training in the field of dangerous drugs. This will increase the money available for education and training to more than $24 million. It has become fashionable to suppose that no drugs are as dangerous as they are commonly thought to be, and that the use of some drugs entails no risk at all. These are misconceptions, and every day we reap the tragic results of these misconceptions when young people are "turned on" to drugs believing that narcotics addiction is something that happens to other people. We need an expanded effort to show that addiction is all too often a one-way street beginning with "innocent" experimentation and ending in death. Between these extremes is the degradation that addiction inflicts on those who believed that it could not happen to them.

While by no means a major part of the American narcotics problem, an especially disheartening aspect of that problem involves those of our men in Vietnam who have used drugs. Peer pressures combine with easy availability to foster drug use. We are taking steps to end the availability of drugs in South Vietnam but, in addition, the nature of drug addiction, and the peculiar aspects of the present problem as it involves veterans, make it imperative that rehabilitation procedures be undertaken immediately. In Vietnam, for example, heroin is cheap and 95 percent pure, and its effects are commonly achieved through smoking or "snorting" the drug. In the United States, the drug is impure, consisting of only about 5 percent heroin, and it must be "mainlined" or injected into the bloodstream to achieve an effect comparable to that which may have been experienced in Vietnam. Further, a habit which costs $5 a day to maintain in Vietnam can cost $100 a day to maintain in the United States, and those who continue to use heroin slip into the twilight world of crime, bad drugs, and all too often a premature death.

In order to expedite the rehabilitation process of Vietnam veterans, I have ordered the immediate establishment of testing procedures and initial rehabilitation efforts to be taken in Vietnam. This procedure is under way and testing will commence in a matter of days. The Department of Defense will provide rehabilitation programs to all servicemen being returned for discharge who want this help, and we will be requesting legislation to permit the military services to retain for treatment any individual due for discharge who is a narcotic addict. All of our servicemen must be accorded the right to rehabilitation.

Rehabilitation procedures, which are required subsequent to discharge, will be effected under the aegis of the Director of the Special Action Office who will have the authority to refer patients to private hospitals as well as VA hospitals as circumstances require.

The Veterans Administration medical facilities are a great national resource which can be of immeasurable assistance in the effort against this grave national problem. Restrictive and exclusionary use of these facilities under present statutes means that we are wasting a critically needed national resource. We are commonly closing the doors to those who need help the most. This is a luxury we cannot afford. Authority will be sought by the new Office to make the facilities of the Veterans Administration available to all former servicemen in need of drug rehabilitation, regardless of the nature of their discharge from the service.

I am asking the Congress to increase the present budget of the Veterans Administration by $14 million to permit the immediate initiation of this program. This money would be used to assist in the immediate development and emplacement of VA rehabilitation centers which will permit both inpatient and outpatient care of addicts in a community setting.

I am also asking that the Congress amend the Narcotic Addict Rehabilitation Act of 1966 to broaden the authority under this act for the use of methadone maintenance programs. These programs would be carried out under the most rigid standards and would be subjected to constant and painstaking reevaluation of their effectiveness. At this time, the evidence indicates that methadone is a useful tool in the work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

Finally, I will instruct the Special Consultant for Narcotics and Dangerous Drugs to review immediately all Federal laws pertaining to rehabilitation and I will submit any legislation needed to expedite the Federal rehabilitative role, and to correct overlapping authorities and other shortcomings.

ADDITIONAL ENFORCEMENT NEEDS

The Comprehensive Drug Abuse Prevention and Control Act of 1970 provides a sound base for the attack on the problem of the availability of narcotics in America. In addition to tighter and more enforceable regulatory controls, the measure provides law enforcement with stronger and better tools. Equally important, the Act contains credible and proper penalties against violators of the drug law. Severe punishments are invoked against the drug pushers and peddlers while more lenient and flexible sanctions are provided for the users. A seller can receive fifteen years for a first offense involving hard narcotics, thirty years if the sale is to a minor, and up to life in prison if the transaction is part of a continuing criminal enterprise.

These new penalties allow judges more discretion, which we feel will restore credibility to the drug control laws and eliminate some of the difficulties prosecutors and judges have had in the past arising out of minimum mandatory penalties for all violators.

The penalty structure in the 1970 Drug Act became effective on May 1 of this year. While it is too soon to assess its effect, I expect it to help enable us to deter or remove from our midst those who traffic in narcotics and other dangerous drugs.

To complement the new Federal drug law, a uniform State drug control law has been drafted and recommended to

the States. Nineteen States have already adopted it and others have it under active consideration. Adoption of this uniform law will facilitate joint and effective action by all levels of government.

Although I do not presently anticipate a necessity for alteration of the purposes or principles of existing enforcement statutes, there is a clear need for some additional enforcement legislation.

To help expedite the prosecution of narcotic trafficking cases, we are asking the Congress to provide legislation which would permit the United States Government to utilize information obtained by foreign police, provided that such information was obtained in compliance with the laws of that country.

We are also asking that the Congress provide legislation which would permit a chemist to submit written findings of his analysis in drug cases. This would speed the process of criminal justice.

The problems of addict identification are equalled and surpassed by the problem of drug identification. To expedite work in this area of narcotics enforcement, I am asking the Congress to provide $2 million to be allotted to the research and development of equipment and techniques for the detection of illegal drugs and drug traffic.

I am asking the Congress to provide $2 million to the Department of Agriculture for research and development of herbicides which can be used to destroy growths of narcotics-producing plants without adverse ecological effects.

I am asking the Congress to authorize and fund 325 additional positions within the Bureau of Narcotics and Dangerous Drugs to increase their capacity for apprehending those engaged in narcotics trafficking here and abroad and to investigate domestic industrial producers of drugs.

Finally, I am asking the Congress to provide a supplemental appropriation of $25.6 million for the Treasury Department. This will increase funds available to this Department for drug abuse control to nearly $45 million. Of this sum, $18.1 million would be used to enable the Bureau of Customs to develop the technical capacity to deal with smuggling by air and sea, to increase the investigative staff charged with pursuit and apprehension of smugglers, and to increase inspection personnel who search persons, baggage, and cargo entering the country. The remaining $7.5 million would permit the Internal Revenue Service to intensify investigation of persons involved in large-scale narcotics trafficking.

These steps would strengthen our efforts to root out the cancerous growth of narcotics addiction in America. It is impossible to say that the enforcement legislation I have asked for here will be conclusive—that we will not need further legislation. We cannot fully know at this time what further steps will be necessary. As those steps define themselves, we will be prepared to seek further legislation to take any action and every action necessary to wipe out the menace of drug addiction in America. But domestic enforcement alone cannot do the job. If we are to stop the flow of narcotics into the lifeblood of this country, I believe we must stop it at the source.

INTERNATIONAL

There are several broad categories of drugs: those of the cannabis family—such as marihuana and hashish; those which are used as sedatives, such as the barbiturates and certain tranquilizers; those which elevate mood and suppress appetite, such as the amphetamines; and, drugs such as LSD and mescaline, which are commonly called hallucinogens. Finally, there are the narcotic analgesics, including opium and its derivatives—morphine and codeine. Heroin is made from morphine.

Heroin addiction is the most difficult to control and the most socially destructive form of addiction in America today. Heroin is a fact of life and a cause of death among an increasing number of citizens in America, and it is heroin addiction that must command priority in the struggle against drugs.

To wage an effective war against heroin addiction, we must have international cooperation. In order to secure such cooperation, I am initiating a worldwide escalation in our existing programs for the control of narcotics traffic, and I am proposing a number of new steps for this purpose.

First, on Monday, June 14, I recalled the United States Ambassadors to Turkey, France, Mexico, Luxembourg, Thailand, the Republic of Vietnam, and the United Nations for consultations on how we can better cooperate with other nations in the effort to regulate the present substantial world opium output and narcotics trafficking. I sought to make it equally clear that I consider the heroin addiction of American citizens an international problem of grave concern to this Nation, and I instructed our Ambassadors to make this clear to their host governments. We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on this problem.

Second, United States Ambassadors to all East Asian governments will meet in Bangkok, Thailand, tomorrow, June 18, to review the increasing problem in that area, with particular concern for the effects of this problem on American servicemen in Southeast Asia.

Third, it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies. I will propose that as an international goal. It is essential to recognize that opium is, at present, a legitimate source of income to many of those nations which produce it. Morphine and codeine both have legitimate medical applications.

It is the production of morphine and codeine for medical purposes which justifies the maintenance of opium production, and it is this production which in turn contributes to the world's heroin supply. The development of effective substitutes for these derivatives would eliminate any valid reason for opium production. While modern medicine has developed effective and broadly-used substitutes for morphine, it has yet to provide a fully acceptable substitute for codeine. Therefore, I am directing that Federal research efforts in the United States be intensified with the aim of developing at the earliest possible date synthetic substitutes for all opium derivatives. At the same time I am requesting the Director General of the World Health Organization to appoint a study panel of experts to make periodic technical assessments of any synthetics which might replace opiates with the aim of effecting substitutions as soon as possible.

Fourth, I am requesting $1 million to be used by the Bureau of Narcotics and Dangerous Drugs for training of foreign narcotics enforcement officers. Additional personnel within the Bureau of Narcotics and Dangerous Drugs would permit the strengthening of the investigative capacities of BNDD offices in the U.S., as well as their ability to assist host governments in the hiring, training, and deployment of personnel and the procurement of necessary equipment for drug abuse control.

Fifth, I am asking the Congress to amend and approve the International Security Assistance Act of 1971 and the International Development and Humanitarian Assistance Act of 1971 to permit assistance to presently proscribed nations in their efforts to end drug trafficking. The drug problem crosses ideological boundaries and surmounts national differences. If we are barred in any way in our effort to deal with this matter, our efforts will be crippled, and our will subject to question. I intend to leave no room for other nations to question our commitment to this matter.

Sixth, we must recognize that cooperation in control of dangerous drugs works both ways. While the sources of our chief narcotics problem are foreign, the United States is a source of illegal psychotropic drugs which afflict other nations. If we expect other governments to help stop the flow of heroin to our shores, we must act with equal vigor to prevent equally dangerous substances from going into their nations from our own. Accordingly, I am submitting to the Senate for its advice and consent the Convention on Psychotropic Substances which was recently signed by the United States and 22 other nations. In addition, I will submit to the Congress any legislation made necessary by the Convention including the complete licensing, inspection, and control of the manufacture, distribution, and trade in dangerous synthetic drugs.

Seventh, the United States has already pledged $2 million to a Special Fund created on April 1 of this year by the Secretary General of the United Nations and aimed at planning and executing a concerted UN effort against the world drug problem. We will continue our strong backing of UN drug-control efforts by encouraging other countries to contribute and by requesting the Congress to make additional contributions to this fund as their need is demonstrated.

Finally, we have proposed, and we are

strongly urging multilateral support for, amendments to the Single Convention on Narcotics which would enable the International Narcotics Control Board to:

—require from signatories details about opium poppy cultivation and opium production—thus permitting the Board access to essential information about narcotics raw materials from which illicit diversion occurs;

—base its decisions about the various nations' activities with narcotic drugs not only as at present on information officially submitted by the governments, but also on information which the Board obtains through public or private sources—thus enhancing data available to the Board in regard to illicit traffic;

—carry out, with the consent of the nation concerned, on-the-spot inquiries on drug related activities;

—modify signatories' annual estimates of intended poppy acreage and opium production with a view to reducing acreage or production; and

—in extreme cases, require signatories to embargo the export and/or import of drugs to or from a particular country that has failed to meet its obligations under the Convention.

I believe the foregoing proposals establish a new and needed dimension in the international effort to halt drug production, drug traffic, and drug abuse. These proposals put the problems and the search for solutions in proper perspective, and will give this Nation its best opportunity to end the flow of drugs, and most particularly heroin, into America, by literally cutting it off root and branch at the source.

CONCLUSION

Narcotics addiction is a problem which afflicts both the body and the soul of America. It is a problem which baffles many Americans. In our history we have faced great difficulties again and again, wars and depressions and divisions among our people have tested our will as a people—and we have prevailed.

We have fought together in war, we have worked together in hard times, and we have reached out to each other in division—to close the gaps between our people and keep America whole.

The threat of narcotics among our people is one which properly frightens many Americans. It comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors. It is a problem which demands compassion, and not simply condemnation, for those who become the victims of narcotics and dangerous drugs. We must try to better understand the confusion and disillusion and despair that bring people, particularly young people, to the use of narcotics and dangerous drugs.

We are not without some understanding in this matter, however. And we are not without the will to deal with this matter. We have the moral resources to do the job. Now we need the authority and the funds to match our moral resources. I am confident that we will prevail in this struggle as we have in many others. But time is critical. Every day we lose compounds the tragedy which drugs inflict on individual Americans. The final issue is not whether we will conquer drug abuse, but how soon. Part of this answer lies with the Congress now and the speed with which it moves to support the struggle against drug abuse.

RICHARD NIXON.

THE WHITE HOUSE, *June 17, 1971.*

REINTRODUCTION OF A BILL TO PROVIDE MEDICAL DISCHARGES AND TREATMENT FOR DRUG DEPENDENT SERVICEMEN

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I introduce, for appropriate reference, a bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes.

As the author of the original House legislation on military drug addiction—which I am reintroducing today with 24 cosponsors—I thank those Congressmen who have taken my side on the major difference in current concepts of treating GI addicts. I am extremely pleased to see the number of my colleagues in the House who agree that it is impossible to have the armed services take the total responsibility for treating addicted service personnel. The mission of the Armed Forces is the protection of our country. It is not designed to have part of it splintered off to become a gigantic halfway house for drug abusers.

But the military and our Federal Government do have a responsibility to take care of its drug-dependent personnel. That is why, in my plan, the military addict would be physically separated from the armed services and bound over to the already existing Federal program for narcotic addicts under the authority of the Surgeon General. They in turn would provide treatment in our public health service hospitals, veterans hospitals, and any other appropriate public or private hospitals, clinics, and other facilities available to the Secretary of Health, Education, and Welfare for the care and treatment of drug-dependent persons.

The approach which I took in the bill I introduced on March 16, 1971, has been endorsed by our peer in narcotics legislation, Congressman CELLER of the House Judiciary Committee and by other Congressmen who have cosponsored my bill and who have doubts that GI addicts can be treated totally within the military services.

Both the Senate and the House are finally becoming aware of a problem that has been going on for years—not only in Vietnam, but in Korea, in Europe, and even in the continental United States—the use of all types of drugs by our servicemen. It has taken years of committee hearings, trips to Vietnam, reports and conferences to convince the Congress and the Pentagon to face this problem and provide an answer to it.

Based on my extensive studies and interviews with combat commanders, military doctors and psychiatrists—and the GI's themselves—I feel that my solution to this problem is the more realistic one and I urge the House Armed Services Committee to consider my proposal and the other proposals in hearings as soon as possible. I feel that feasible legislation should be reported immediately and sent to the floor for action.

This is too serious a problem to play with. We are dealing with the lives and deaths of tens of thousands of our sons and it is not a time to pass a bill hastily thrown together in reaction to a problem that most Members of Congress have become aware of only recently. I feel that we should act—and fast—but the House Armed Services Committee should hold legislative hearings on the proposals before it so that we are not forced into the position of accepting the hastily considered Senate amendment passed on Wednesday of last week which would put into law an eclectic approach that has already been tried and proven to be a dismal failure by the military.

I ask the many Members of the House who have concerned themselves with the military drug problem to join me in calling on the House Armed Services Committee for hearings. Many Members have introduced their own bills on this subject after much personal research and study. This knowledge should be presented to the proper committees of the House for consideration in hearings.

To accept the Senate amendment would be to surrender our legislative function in this most important area.

There have been no House hearings on these bills.

There has been no committee report.

There has been no floor debate.

My reading of the Senate amendment finds it fraught with questionable approaches, suppositions, conditions, and language. It would be a disservice to our men in arms if those of us in the House who have worked on this problem for so long were to accept what is put forth as a "solution" when it is really no solution at all. It would be a disservice to a nation that looks to us for leadership if we accepted a bad amendment because to eliminate it in these emotional times would be tantamount to a "vote against motherhood." It would be a disservice to this Congress to delude ourselves into thinking we had done something about this problem when we had actually done very little.

I most respectfully ask Members to join me in my effort to move the House to assume its full legislative responsibilities in this area.

Because of the cosponsor support I have received, I plan to reintroduce this legislation 1 week from today to accommodate those Members who wish to join me in supporting this approach. For those Members who are not familiar with this problem area and some of the different viewpoints concerning it, I include my "Dear Colleague" letter at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

"DRUG ADDICTED G.I.'S"

DEAR COLLEAGUE: I am writing to you regarding a bill I introduced on March 16, 1971, H.R. 6172, which concerned itself with the handling of drug abusers in the Armed Services. I feel that the crisis of drug abuse facing the military is beyond the capacity of the individual services to cope with. The mission of the Armed Forces of America is the defense of this country. They should not be forced into the business of rehabilitating thousands of drug addicts and multiple drug users. My bill would help solve the problem of weeding out those truly addicted and drug dependent servicemen and committing them to our Federal program for the treatment and rehabilitation of addicts.

Since I introduced H.R. 6172, which was the first bill introduced in Congress on the military drug offender, there have been other bills introduced on this same subject—but the bulk of them call on the military to provide treatment services. I feel that such an approach to drug addicted G.I.'s is not a sound one. I repeat that the mission of the Armed Services is the defense and protection of this country; we cannot turn the services into one vast rehabilitation center.

There are not enough hospitals.

There are not enough doctors.

And there are not enough supportive treatment personnel to set up such a system within the services.

I have studied this problem since 1966 when we first began to find addicted veterans returning from Vietnam. I have talked to military men including battle commanders, doctors, psychiatrists, and social workers. They all agree that the military cannot and indeed should not have the primary responsibility to deal with this problem.

That is why in my bill I call for the medical discharge of truly addicted servicemen and a civil (non-criminal) commitment to the already existing Federal program for the treatment of addicts set up by the Narcotic Addict Rehabilitation Act of 1966. That program has the facilities, the personnel, and the expertise to return the military drug addict to a useful life. Under my plan, the G.I. addict could be treated under confinement for up to 42 months which would discourage malingerers from escaping military service.

I am convinced that something must be done to help the Department of Defense out of a dilemma, which, in the main, it has inherited from civilian society. On the other hand we must protect society from those troops who became addicted for the first time or who became more addicted because they served in parts of the world where drugs are plentiful and cheap, such as Vietnam. Too many times these soldiers are given dishonorable discharges and returned home to spread even more addiction and commit crimes to support their drug habits.

The Supreme Court long ago recognized that addiction is an illness, and I feel it is time the military officially recognized that fact. My bill would accomplish this by allowing physical disability discharges for drug dependency and the treatment and care of these unfortunate young men. It would also allow him to receive veteran benefits after he is cured—which is not now the case.

I am convinced it is the most humane and sensible approach to our addicted soldiers. Because of this it has the support of medical people in the military both in the United States and in Vietnam.

In summary, my bill provides:

The physical disability separation from service of drug addicted and drug dependent military personnel. Presently, regulations require that drug addicts be discharged with something other than an honorable discharge.

The civil commitment of drug users to treatment under the Narcotic Addict Rehabilitation Act of 1966.

Penalties for drug offenses that are commensurate with those provided for in the Comprehensive Drug Abuse Prevention and Control Act of 1970.

The bill will make all of title III of the Narcotic Addict Rehabilitation Act's civil procedures applicable in the case of petitions filed by persons separated from the service. This means that it provides for the same hearing and examination that NARA provides. Once the soldier is studied by the Department of Health, Education, and Welfare and found to be an addict, he is discharged to a hosiptal of the Public Health Service or any hospital or other facility of the Public Health Service especially equipped to handle drug dependent persons, or any other appropriate public or private hospital or facility available to Health, Education, and Welfare for the care and treatment of drug dependent persons.

Further, in the bill, the Uniform Code of Military Justice is amended so that in effect, I have established statutory penalty provisions applicable to drug offenses under section 934 of title 10 of the United States Code.

I think you will agree that the same progressive treatment of young drug offenders we provided for in the new drug law Congress passed in 1970 should apply to our young servicemen as well.

A 19-year-old serviceman who is an addict should receive the same treatment as a 19-year-old civilian.

Finally, I point out that the hit or miss, fragmented attempts of the Armed Services to meet this problem have not proven successful and the approval of setting up a whole new system of treatment programs in the services contained in the proposals now before Congress would take years to develop. We need to help these servicemen now. And we can do it quickest and best in the facilities that are already set up to accomplish this.

That is why we in Congress must recognize the disastrous nature of the drug abuse problem in the military and take immediate action to solve the problem. The situation is critical and demands the immediate attention of the Federal Government. The disastrous drug situation among the troops has spilled over into civilian life as the G.I.'s return home.

My bill would attack the drug problem not only in the military, but here at home where drug abuse and dependency has been compounded by returning servicemen who have become addicted and drug dependent while serving their country. Under present discharge procedures, these drug using troops are released back onto the streets of our cities and towns, unknown to local authorities. This is true in my own city of New York where "strung out" Vietnam veterans are turning up at Bellevue or in our police stations under arrest for drug related crimes.

My bill would stop this.

We should provide the very best of care for all of our returning veterans and this includes adequate treatment for drug dependency.

That is why I have decided to re-introduce my bill at this time to seek support from those who agree with my approach. I would welcome your co-sponsorship of this legislation. If you are interested in my plan to handle the problem of the G.I. addict, please have your staff call Carl Perian or Jim Larocca on Extension 5-6898 by June 24, 1971.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

A BILL TO PROVIDE MEDICAL DISCHARGE AND TREATMENT FOR DRUG-DEPENDENT SERVICEMEN

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, today I have the honor of joining with our distinguished colleague from New York (Mr. MURPHY) in sponsoring H.R. 6172 which provides for discharge and treatment of drug-dependent servicemen. This measure is a major step in curbing the mounting drug-abuse problem in the military.

Drug addiction in the military has reached crisis proportions. Easily accessibility and low cost combined with the emotional stress of combat have resulted in rampant use of drugs by our servicemen in Vietnam. We must assist the Department of Defense in this situation and we must remember that addiction is an illness and not a crime—a fact that the Supreme Court recognized long ago.

H.R. 6172 provides that a serviceman with a physical dependency on drugs should be recognized as suffering from an illness and not dishonorably discharged. He is given a physical disability discharge for his addiction and his treatment and veterans' benefits are insured. H.R. 6172 provides for treatment under confinement for up to 42 months, which would substantially discourage those who would use drug addiction as a method for escaping military service.

H.R. 6172 provides for penalties for drug offenses that are equal to those stated in the Comprehensive Drug Abuse Prevention and Control Act of 1970. The 1970 act also provides for progressive treatment of young drug offenders and I can see no difference between a young civilian addict and a young military addict.

I have spent a considerable amount of time studying the various proposals introduced on the escalating drug-abuse problem in the military and one of the main reasons I support this is that I share Mr. MURPHY's opinion that the prime duty of the military is the defense and protection of this country and not one of rehabilitating servicemen addicted to narcotics.

The armed services do not have enough hospitals, doctors, or supportive personnel to deal effectively with the problem, but the already existing Federal program for the treatment of addicts provided for in 1966 by the Narcotic Addict Rehabilitation Act does. H.R. 6172 provides for the civil commitment of drug users under this act.

The time to remedy the military drug problem is now, and it is my opinion that the proposals now before the Congress would take a great deal of time to develop. We simply cannot wait. We must use the facilities that are already set up to accomplish this and we must do this now.

If this bill is enacted into law, it will mean a positive and meaningful step toward curbing drug abuse not only among service personnel but also among the civilian population to which these drug-

addicted servicemen have returned. We must relieve the military of the responsibility for extended treatment and rehabilitation of serious drug abusers. We must allow drug-dependent servicemen to be medically rather than punitively discharged. Under present discharge procedures serious drug abusers are discharged under conditions other than honorable and are returned to the community with their drug problem. It is far better to identify this man while still in the service, medically discharge him under the conditions of this bill that I have the privilege of cosponsoring today, and then remand him to a drug rehabilitation program within his own community rather than at a far distant military hospital.

While I have primarily directed my remarks to the need and provisions of this bill I would also like to address myself to the need for multiphased attacks upon drug abuse in the military. Rehabilitative efforts alone will not completely solve the military drug problem. Intensive drug-abuse education efforts must be developed and implemented so that each man who enters military service is made fully aware of the medical and physical effects of drug abuse. In addition to an accelerated program of drug-abuse education there is also need for intensified investigative efforts coordinated among the branches of the service to seek out and identify sources of supply of illicit drugs. I believe that these efforts coupled with the approach of this bill, to identify and then medically assist drug addicts and drug-dependent men, will result in curbing the drug-addiction problem within the military.

CAPITOL PAGES TAKE TO THE FIELD

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CASEY of Texas. Mr. Speaker, let it go down in history that the first annual junior-senior Capitol page softball game was held in Bowie, Md., last Saturday, June 12, 1971. Needless to say, it was a good game for the seniors. After all, they have to take some memories home with them, and the 15-to-10 victory over the juniors will be one.

It all started when Archie Nahigian and Bob Bergin combined forces on Saturday morning, the 5th of June, and called all the juniors and seniors with hopes of organizing a softball game. With such leadership—as well as a promise of a home-cooked meal from Mrs. Bergin—all involved knew there would be a good game. And it was, with the juniors winning 16 to 3 over the seniors. However, there was only one problem. This game did not count as a victory for the juniors because Craig Black was the senior pitcher. And so, a rematch was called for the following Saturday, June 12. This game would be the first annual junior-senior Capitol page softball game. What with such a smashing victory over the seniors the previous week, the juniors could not possibly realize what could happen in a rematch.

The second softball game on Saturday, the 12th—which the seniors consider as the first official game since they were overwhelmingly defeated in the previous week—was ironic in comparison to the first game. Every junior had his worst day ever; the seniors' ability remained the same. For example, juniors Peter Thompson and David Bianchi committed a combined total of three errors yielding five unearned runs. Brian Jones' pitching did not help the matter either—he gave up two home runs to Bob Bergin on top of a myriad of hits. However, had it not been for Desi Drotos, Dohn Larson, Gary Earle, and John Van Zile, the juniors would not have scored their 10 earned runs. Also, Bob Bergin's brother, Peter, saved the juniors from falling still further in the hole with two fantastic plays at third as well as three RBI's.

As for the seniors—well, as previously stated, they stayed the same—or tried to stay the same. John Andrews and Archie Nahigian helped the juniors more than any junior was able to assist his team. Pitching nearly the entire game, John yielded 10 earned runs on twice as many hits, committing two errors; Archie made one error, but, sorry to say, it did not help the juniors. Had it not been for some fantastic fielding and hitting by seniors Mike Malbrough, Raymond Potts, Brad Walker, Geoff Perselay, and Glenn Harden, the seniors would never have been able to "pull off" such an untimely victory.

But all is well that ends well. The juniors can claim a handicap, however. They did have one less man than the seniors. John Andrews and Archie Nahigian did equalize the situation with their "fine plays." But wait until next year—the juniors shall rise.

THE HOUSE DEMOCRATIC STEERING COMMITTEE UNANIMOUSLY ENDORSES A COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, at a meeting of the House Democratic Steering Committee yesterday afternoon, discussion was held on the Comprehensive Health Manpower Training Act of 1971 and also the pending Nurses Training Act of 1971. Both of these bills were reported out of the House Rules Committee on Tuesday of this week and will be considered on the floor of the House in a few days.

Members of Congress are familiar with the critical shortage of doctors and nurses throughout the Nation in both urban and rural areas. The American Medical Association, State medical associations, nurses' associations, and hospital associations are all unanimous that the lack of medical training schools for doctors and nurses are approximately 25 years behind the times and the health of the Nation depends on a united effort by government, medical people, and the public to cooperate as a unit in a mass effort to relieve the shortage of doctors, nurses, and medical facilities. The steering committee heard from Congressman STAGGERS and Congressman PAUL ROGERS, who are chairmen on committees that held extended hearings on the Nation's serious health crisis. The steering committee also heard from Chairman TORBERT MACDONALD in an informative report on legislation to limit the fabulous amount of money political parties and candidates are using to purchase nominations and win elections throughout the Nation.

Mr. Speaker, I incorporate with my remarks the resolution unanimously adopted by the steering committe endorsing H.R. 8629. The Nurse Training Act of 1971 was also endorsed by the steering committee at its session yesterday. The resolution follows:

ENDORSEMENT OF H.R. 8629

Be it resolved by the House Democratic Steering Committee that all Democratic Members of the House are urged to support and vote for H.R. 8629, the Comprehensive Health Manpower Training Act of 1971, a bill to amend Title VII of the Public Health Service Act to provide increased manpower and medical facilities for the health professions.

MORE ON TIDELANDS ISSUE

(Mr. HÉBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HÉBERT. Mr. Speaker, the tenacity of George W. Healy, Jr., editor of the Times-Picayune, is evident again in his determined effort to keep the tidelands issue before the Congress and to get a long overdue settlement to the problem.

Under the title, "Twin Needs: Oil, Tidelands Action," Mr. Healy again reviews the situation in an editorial in the June 13 issue of his paper.

An understandable reaction to his previous writings on the subject is from a surprisingly large number of non-Louisianians who say they want the States to get an equitable portion of offshore revenues.

This suggestion is the end toward which I and the other members of the Louisiana delegation have worked—that all States be treated equitably.

Editors who read Mr. Healy's comments responded that they were under the impression that the issue had been settled long ago.

The realistic attitude is that it took the confusion a long time to get developed and it will take a long time to get things unconfused.

The Louisiana delegation and the Congress welcome any assistance other States can provide in the interest of getting this problem solved once and for all.

I want to insert at this point Mr. Healy's editorial which follows up the previous material in the RECORD on this situation:

TWIN NEEDS: OIL, TIDELANDS ACTION

President Richard M. Nixon during the past week gave another reason why generation-old differences between federal and state governments should be settled promptly.

Differences to which we refer, of course, are those regarding revenue from offshore minerals deposits.

The President's first message to the Con-

gress on national energy policies urged utilization of new sources of energy *and increased development of offshore oil fields.*

Coastal states off whose shores oil now is being produced are being penalized by inequities resulting from federal-state differences. If President Nixon's recommendations are followed, fields will be developed in waters off many more states touching two oceans, the Gulf of Mexico and the Great Lakes.

Unless existing practices are changed, the discrimination which has been experienced by several states for years will be felt by many others states from Maine to Hawaii and Alaska.

These states will learn what Louisiana has learned and continues to learn the hard way: that providing education, police and fire protection and hundreds of other necessary and costly services for residents who operate offshore rigs and platforms while receiving no revenue from those operations is an unjust burden.

Present law discriminates most heavily against Louisiana. That is because more oil is produced off the coast of this state than off the coasts of California, Texas and Alaska. On the basis of latest available figures, Louisiana offshore wells are producing 277,400,000 barrels of petroleum per year: California, 9,940,844 barrels, and Texas, 798,110 barrels.

Figures on production off other states were not available in Washington this past week. It is certain, however, that offshore exploration is increasing almost everywhere, thanks in a large degree to equipment and techniques developed off Louisiana.

This widespread exploration, we expect, will result in the vastly increased offshore production which President Nixon urges.

Some public officials say that "everything has been done which can be done" to end the inequity which exists in the use of revenues from offshore minerals production. We do not agree.

True, Louisiana has hired competent special counsel to litigate in its behalf. Prolonged litigation hasn't settled the federal-state differences; and there is no indication that further litigation will settle them. "Blue ribbon" committees haven't settled them; and there is no reason to expect that more "blue ribbon" committees will settle them.

Congressional action can and should end these differences.

Members of the Louisiana delegation in Washington doubtless have worked hard to try to settle them. That delegation in the past, however, did not hold the powerful places in the Senate and in the House of Representatives that four of its members hold today. Need for settlement never has been as acute as it is today.

Now, we contend, is the time for concerted action toward having the Congress settle the differences. The Congress can accomplish this with justice and with speed. It should apply to revenues from offshore lands which the federal government claims the same sharing formula that it applies to federal lands within state boundaries.

This would assure the coastal states at least a substantial portion of the offshore revenues. It would be a kind of revenue-sharing at its best.

It is a worthy goal which we are confident can be accomplished; but it won't be accomplished if we rely on politicians who say it can't be done to provide the leadership and do the work that are essential to end the differences.

Complete faith in the justice of the coastal states' position and determination and hard work on Capitol Hill will succeed, in our opinion.

Let's have that determination and hard work, now!

EMERGENCY COMMUTER RELIEF ACT OF 1971

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, on February 25, I introduced the Emergency Commuter Relief Act of 1971. This bill would provide financial assistance on a short-term basis to assure the retention of adequate urban mass transit by State and local governments.

The Urban Mass Transportation Act, Public Law 91–453, provides for long-term solutions to some of our critical mass transit needs. In the interim, however, transit fares are increasing throughout the Nation in response to ever-escalating costs. Transit riders are forced to pay more for their transportation but rarely receive service improvements as a result.

Within the past 11 months, 769,000 daily railroad commuters riding 24 different railroad lines in several large metropolitan areas have been confronted by requests for fare increases. Seventeen such requests have been approved and put into effect. Consequently, commuter tickets have increased in cost anywhere from 5 to 75 percent per trip. Many passengers are outraged at these increases. Railroad managers, however, contend fare increases are necessary in order to reduce railroad operating deficits. All too often, it is a self-defeating proposition since the increase drives away a certain percentage of the clientele.

Railroad commuter systems experienced a moderate 1-percent increase in ridership in 1970 over 1969, while revenues increased by 6.6 percent. In 1970, 4,592,000,000 passenger miles were attributable to commuter trains, an increase of 36 million over the 1969 figure of 4,546,000,000. Commuter revenue for 1970 was $172,301,000, an increase of $10,725,000 over the 1969 revenue of $161,576,000. This is another indicator that people are paying more to ride commuter trains.

It is my opinion that under present conditions, the automobile is not the most appropriate vehicle for moving masses of people into and out of our congested cities. Transit ridership must be increased for the very survival of our smog-choked and traffic-snarled cities. Passage of the Emergency Commuter Relief Act would assist materially in establishing reasonable fares and decent services on these systems.

For the benefit of my colleagues, I wish to insert in the RECORD, a list of the railroad commuter lines on which a fare increase has been put into effect, or applied for. I am certain a similar situation exists with regard to bus and rapid-rail systems. The list follows:

COMMUTER FARE INCREASES

Date of Request	Railroad	Metropolitan area	Fare increase (percent)	Number of daily riders
Requests pending:				
May 13, 1971	Southern Pacific	San Francisco	10	11,500
May 3, 1971	Pennsylvania-Reading Seashore Lines	Philadelphia-New Jersey	10	200
May 1, 1971	Illinois Central	Chicago	7	2,000
Mar. 30, 1971	Erie-Lackawanna	New Jersey-New York	15	45,000
Mar. 10, 1971	Burlington Northern	Chicago	6	320,000
Soon to be announced	Long Island	New York	[1] 10	260,000
Requests approved:				
May 29, 1971	Milwaukee Road	Chicago	5–10	23,000
May 1, 1971	Penn Central	New York (Hudson Line)	25	13,000
Do	do	New York (Harlem Line)	10	29,000
Do	do	Chicago	25	400
Do	Chicago & North Western	do	7	90,000
Apr. 5, 1971	Baltimore & Ohio	Baltimore/Washington	7	1,000
Apr. 1, 1971	Chicago, South Shore & South Bend	Chicago-Northern Indiana	75	9,000
Do	Penn Central	Baltimore/Washington	25	250
Mar. 1, 1971	do	Philadelphia	10	70,000
Do	Reading Railway	do	10	48,000
January 1971	Central of New Jersey	Intrastate New Jersey	15	30,000
Do	Penn Central	do	25	7,000
December 1970	do	New Jersey-New York	25	26,000
November, 1970	Baltimore & Ohio	Pittsburgh	10	1,000
Nov. 1, 1970	Chicago, Rock Island & Pacific	Chicago	6	26,000
Sept. 1, 1970	Boston & Maine	Boston	10	25,000
August, 1970	Erie-Lackawanna	Cleveland	35	250
Requests withdrawn voluntarily by railroad:				
Feb. 15, 1971	Grand Trunk Western Railroad	Detroit	5–10	1,400
Total number of riders affected				769,000
Total number of fare increases				23

[1] The anticipated Long Island Railroad fare increase will be at least 10 percent.

ATTENDANCE SOUGHT FOR NEWSMEN AT SOVIET TRIALS OF JEWS

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, last December, the House enacted House Resolution 1336, to protest against the continued injustices to which the Jewish people in the U.S.S.R. have been subjectd by that Government. It can be presumed that this and other protests which were raised in other countries had considerable influence in the Soviet decision to commute the death sentences that had been imposed on two of the Jewish defendants in the Leningrad trial that month.

Since then, the Soviets have continued a series of trials involving Jewish defendants who have expressed a desire to emigrate. These trials have been conducted under conditions that have caused great concern on the part of citizens of all faiths throughout the world. There have been many reports of the harassment of representatives of the American press when they have sought to observe these proceedings. The most recent trial at Riga, in which four Jews were found guilty of anti-Soviet activity and sentenced to terms ranging from 1 to 3 years in prison camps, was moved without notice and at the last moment to a new and inaccessible location, in effect barring foreign observers and press from viewing it.

The next trial is scheduled to begin on June 21, at Kishinev, Moldavia. As the one guarantee that the defendants will have a fair trial is the presence of outside observers, I have today directed a letter to the Secretary of State to urge every appropriate action on behalf of our journalists and correspondents so that they might be assured access to its proceedings.

I am gratified to have the support of 55 Members of the House in this effort, and am pleased to include here the text of the letter to Secretary of State William P. Rogers, and the list of signatories:

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to urge that every effort be made by the United States Government and our Embassy officials in the Soviet Union to aid those members of the U.S. press corps who will be seeking access to the forthcoming trial at Kishinev, Moldavia, scheduled to begin next week, on June 21.

We are greatly concerned with the conditions under which the recent trials, involving Jewish defendants who have expressed a desire to emigrate, have been held, as well as with the reports that accredited members of the press who have attempted to observe them have experienced considerable harassment. The steps taken by the Soviet Government to obstruct the entry of outside observers to the recent trial of Jewish defendants in Riga have served to intensify our concern, and that of Americans of all faiths, that the Jewish people in the USSR are being denied fair and equitable justice.

As the Congress has clearly put itself on record in support of efforts to insure justice for Soviet Jewry, and as international public opinion has proved to have considerable effect in this regard, as witnessed by the commutation of the death sentences in the Leningrad trial last December, we think it critical for the U.S. to continue to make its concern known, and to provide the members of the press every possible assistance in their efforts to observe the proceedings of the forthcoming trial at Kishinev. Their presence will not only help alleviate the growing concern which the secrecy of these trials has caused, but it is also the one guarantee that the defendants will receive a fair trial.

We are most grateful for your cooperation and assistance, and hopeful for the success of your efforts.

Sincerely,

F. BRADFORD MORSE,
Member of Congress.

ADDITIONAL SIGNERS

Bella S. Abzug of New York.
Joseph P. Addabbo of New York.
William R. Anderson of Tennesee.
Herman Badillo of New York.
William A. Barrett of Pennsylvania.
Mario Biaggi of New York.
Jonathan B. Bingham of New York.
John Brademas of Indiana.
Frank J. Brasco of New York.
Goodloe E. Bryon of Maryland.
George W. Collins of Illinois.
James C. Corman of California.
William R. Cotter of Connecticut.
R. Lawrence Coughlin of Pennsylvania.
Philip M. Crane of Illinois.
Edward J. Derwinski of Illinois.
Robert F. Drinan of Massachusetts.
Bob Eckhardt of Texas.
Joshua Eilberg of Pennsylvania.
Dante B. Fascell of Florida.
Edwin B. Forsythe of New Jersey.
Donald M. Fraser of Minnesota.
Bill Frenzel of Minnesota.
Edward A. Garmat of Maryland.
Ella T. Grasso of Connecticut.
William J. Green of Pennsylvania.
Michael Harrington of Massachusetts.
James Harvey of Michigan.
Ken Hechler of West Virginia.
Henry Helstoski of New Jersey.
Louise Day Hicks of Massachusetts.
Frank Horton of New York.
Edward I. Koch of New York.
Peter N. Kyros of Maine.
Paul N. McCloskey of California.
Mike McCormack of Washington.
Parren J. Mitchell of Maryland.
Lucien N. Nedzi of Michigan.
Robert N. C. Nix of Pennsylvania.
Claude Pepper of Florida.
Bertram L. Podell of New York.
Donald W. Riegle of Michigan.
Howard W. Robison of New York.
Peter W. Rodino of New Jersey.
Benjamin S. Rosenthal of New York.
William F. Ryan of New York.
James H. Scheuer of New York.
Fred Schwengel of Iowa.
Garner E. Shriver of Kansas.
Louis Stokes of Ohio.
Morris K. Udall of Arizona.
Bob Wilson of California.
Wendell Wyatt of Oregon.
Sidney R. Yates of Illinois.
Gus Yatron of Pennsylvania.

SOCIAL SECURITY—MEETING ITS COMMITMENTS

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, during recent months, a few critics have focused considerable attention on the increase in social security taxes, the impact of the program on middle income groups and the tremendous burden on the younger worker. Those who assail the social security system talk only about the taxes and completely disregard the benefits.

First of all, one half of today's social security retired beneficiaries, 9 million older people, would have no other significant retirement income if it were not for social security. For the other 13 million, social security is the major source of retirement income. Less than 5 percent of those on social security would be able to afford modest retirement without social security benefits.

Today, 95 million people are covered by the social security program. These citizens and their employers will contribute $40 billion into the social security fund in 1971. This figure excludes $7.7 billion for medicare. The workers and their employers buy social security protection for almost 100 million workers for $40 billion per year. What does the worker and his employer get for the average $200 per year payment each make for social security insurance?

By this insurance payment, millions of young workers are substantially relieved of having to support their elderly parents whose benefits can range up to $213 per month for the retired worker himself and $320 for a retired couple. Under life expectancy tables, a married worker retiring today at 65 would be expected to live 13 years and his wife 3 years longer. In this period of time, and not counting cost of living increments, the retirement benefits would total $33,244 for the husband and $22,962 for the wife. Under this year's proposed social security bill, the benefits would total $68,839. How many young Americans would be able to pay for this level of support for their parents if there were no social security system?

In spite of all its problems the medicare system is the largest payer of medical bills in the world. In 1971, $5.2 billion will be collected from employers and employees for hospital insurance, while $2.5 billion will be paid into the doctors medical insurance fund. From these funds $8.4 billion will be paid on the claims of about 12 million elderly citizens. This $8.4 billion burden would otherwise have to be borne in large part by the children of the elderly.

The costs of health care and support of elderly parents would descend upon the younger worker at a time when he must face the heavy burdens of supporting his family and completing the education of his children.

The average young worker at age 35, with maximum earnings under social security, and his employer pay $115 per year each, or a total of $230 per year for survivor and disability insurance under social security. Without regard to escalators, this insurance has a value of $75,000 to $100,000 depending on average earnings. If he should die, his widow and two children would receive up to $517 per month until the children reach 18 or 22 if attending school. These payments are subject to escalation under H.R. 1, the social security bill now before Congress.

If this worker is disabled, he and his family would receive about the same amount for the period of his disability. At the maturity of his children, his benefits would drop to $295.40 per month. These benefits are also subject to escalation under H.R. 1, the social security bill

now before Congress. In addition, under H.R. 1 Medicare would assume the major cost of his medical expense in turn for a slight increase in the tax payment.

Under the automatic adjustment provisions of H.R. 1 now being considered by Congress, a worker of 35 retiring at age 65 and married would receive $1,215.90 per month at the time of retirement for himself and his wife. Ten years later, their benefits will increase to $1,530 per month. With an average life expectancy, this worker and his wife could receive a total of $249,480—a quarter of a million dollars.

Today's 35 year old worker retiring at age 65 would receive the following schedule of benefits for himself and his wife. All of these projections of benefits are based on the conservative assumption that the cost of living will be increasing by 2.3 percent per year over the long term, and that the wage levels will increase over the long term by 4.5 percent.

COUPLE'S MONTHLY BENEFITS OF WORKER NOW 35 RETIRING AT AGE 65 UNDER PROPOSALS OF H.R. 1

Retiree's age	Worker's benefit	Couple's monthly benefits
65	$810.60	$1,215.90
66	810.60	1,215.90
67 and 68	848.70	1,273.10
69 and 70	888.60	1,332.90
71 and 72	930.40	1,395.60
73 and 74	974.20	1,461.30
75 and 76	1,020.00	1,530.00

In the past 4 years, and under H.R. 1, social security benefits will have increased across the board by 50 percent.

INCREASES IN CASH BENEFIT

Amendments	Effective date of increase	Benefit increase (percent)	Cumulative increase (percent)
1967	February 1968	13	13
1969	January 1970	15	30
1971	January 1971	10	43
1971	June 1972	5	50

When we consider the other benefit improvements, like the increased widows' benefits, disability benefits, and the retirement test, increases in the social security package total 70 percent in the last 4 years.

INCREASES IN SOCIAL SECURITY CASH BENEFIT PROTECTION

[In percent]

Amendments	Increase in protection	Cumulative increase
1967	14.5	14.5
1969	14.2	30.1
1971	10.0	43.8
1971	18.0	70.0

When we add the value of medicare coverage which is estimated to increase total coverage between 30 to 36 percent, it can readily be seen that social security benefits including medicare have increased by over 100 percent in the past 5 years.

Nowhere in America, or anywhere else in the world, can comparable insurance be bought. No private insurance program today provides a cost of living escalation in benefits. Social security is the best insurance investment for every worker in America.

SHARPSTOWN FOLLIES—ACT II

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks at this point.)

Mr. GONZALEZ. Mr. Speaker, we have had the salad oil scandal, and the case of the fertilizer king, and now we have the great Sharpstown Follies. As you recall, Mr. Speaker, act I of the Sharpstown Follies involved the machinations and manipulations of Frank Sharp, who was a homebuilder, banker, insurance man, philanthropist, man about town, and fraud.

Frank Sharp bought and systematically looted companies. Through stock manipulation schemes it is alleged he endeavored to enrich high officials of the State of Texas, who might or might not have known what was happening, or why, just as the Jesuit priests he defrauded of millions might or might not have known that their supposed benefactor was stealing them blind. After all of this was revealed, the Sharpstown State Bank collapsed, with a loss of millions. And it appeared that Frank Sharp was destined to face trial and perhaps a long jail sentence.

That was act I of the Sharpstown Follies. Act II has now started.

Mr. Speaker, some weeks ago I discussed in great detail how Frank Sharp and his associates built and milked a financial empire. I discussed how this man bought and sold insurance companies, and made deals with high officials in Texas, how he manipulated stocks and defrauded people, the very companies he owned, and even a Jesuit school. Millions of dollars disappeared into the mysterious world of Sharpstown, the town that Sharp built, and into Sharpstown State Bank, which he owned.

Now we learn that this man, who surely was one of the great manipulators of his time, has been permitted to plead guilty to lesser offenses, and has been assessed a fine of $5,000.

This is less than a slap on the wrist.

Obviously, the big fish has been let off the hook by the Department of Justice. We have a right to ask why.

Well, for one thing, it is possible—and very likely—that the Department of Justice has decided it would rather go after some political figures rather than the man who seemingly tried to influence those same men. They have made a deal with Frank Sharp—help us indict these Democrats, and we will let you off with a little old fine.

Now we are told that Will Wilson, who was once a Democrat, and who once aspired to be Governor of Texas, but who is now a Republican and in charge of the Criminal Division at the Department of Justice, has disqualified himself from the case of Frank Sharp. Why? Well, because he was once an associate of Sharp—and was attorney for Sharp in some of the very deals that Sharp has been indicted for.

But perhaps there is more to this than meets the eye. Did Will Wilson ever trade in the stocks that Sharp manipulated? Could it be that the Department of Justice wants as little known about this phase of the deals as possible? And is not it likely that one way to cover this up would be to go after democratic politicos and ignore Sharp himself?

One wonders why it is that the Deputy Attorney General himself is making the deals in this case. One wonders why it is that the local U.S. attorney mysteriously cut the Securities and Exchange Commission out of his plea bargainings with Sharp, despite the protests of the SEC. This same attorney had just a few weeks ago been extraordinarily zealous in prosecuting some rural small time Democratic officials—why is he now not so zealous in prosecuting Frank Sharp? One explanation could be that he is a specialist in catching little fish. But it is far more likely that he is not so much interested in the big fish in this case, but in the rich political possibilities involved in prosecuting highly placed State officials who may or may not have known about what Sharp was doing or trying to do. And incidentally, at the same time, saving his boss, the Assistant Attorney General for the Criminal Division, and former Sharp associate, the embarrassment of having to own up to his own dealings with Sharp, and the stocks that Sharp manipulated.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has the greatest length of railroad as of 1966 with 210,573 miles of track.

INCREASE IN INTERPOL DUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, in company with the gentleman from New York (Mr. CELLER), I have introduced a bill to authorize an increase in the U.S. dues for the International Criminal Police Organization—Interpol. The bill would raise the ceiling on dues from $28,500 to $49,000, and would also provide for the payment of the outstanding Interpol dues balance of $20,170 for the calendar year 1970. The dues paid by the United States will be only about 6 percent of the total amount of dues payable to Interpol and is equivalent to the individual shares to be paid by France, Germany, the United Kingdom, and Italy.

I include at this point in the RECORD a descriptive statement of Interpol, its makeup, its purposes, the nature of U.S. participation, and the benefits we derive from our membership:

INTERNATIONAL CRIMINAL POLICE ORGANIZATION—INTERPOL

The International Criminal Police Organization (Interpol), comprised of 109 member countries, is represented in the United States by the Treasury Department. Each participating country appoints a corresponding National Central Bureau to coordinate and channel their enforcement agencies foreign investigative requirements. For example, in the United Kingdom the N.C.B. is a part of Scotland Yard; in France, it functions as a branch of the Surete Nationale; in Australia, all foreign requests are handled by the Melbourne Police Department.

The purpose of Interpol, as stated in its Constitution, is:

"A. To ensure and promote the widest possible assistance among all criminal police authorities within the respective limits of the laws existing in their countries . . ."

"B. To establish and develop all institutions likely to contribute effectively to the prevention and suppression of crime."

Therefore, Interpol, is the catalyst which enables the police of the world to effectively coordinate their work in law enforcement and crime prevention.

In practical terms, Interpol is the tool and means by which any police agency, whether it be local, county, state or Federal, having a requirement for foreign investigation, from a routine criminal name check to a full criminal investigation leading to the gathering of evidence and subsequent arrest and extradition of a fugitive, can communicate their needs.

The Organization, however, is forbidden to undertake any intervention or investigation of cases having a political, military or religious character.

During the past two years, Interpol Washington's emphasis has been on advising and encouraging, not only the Treasury and other Federal enforcement agencies of the services of the Organization, but also educating the local police departments on the potential benefits to be obtained considering today's jet age in which the sophisticated criminal finds no national boundaries too distant to commit his offense. Prior to 1969, cases referred by this N.C.B. on behalf of United States enforcement agencies amounted to only 4% of the total case load of this Bureau. During Fiscal 70, 34% of the case load was on behalf of United States interests. The New York City and Los Angeles Police Departments, as well as others, refer all their foreign requirements through this N.C.B.

Interpol Washington, located at the Main Treasury Building in Washington, D.C., has telex capabilities to communicate directly with 41 member countries and cable facilities to the remaining countries. In addition, our National Central Bureau has access to the Interpol International Radio Network consisting of all the member countries on the European Continent, as well as many in South America, Africa and Asia.

There are, moreover, special additional benefits for the United States incident to membership in the Organization. These arise from the fact that Treasury and Justice law enforcement agencies have assigned numerous agents to posts of duty in foreign countries in order to combat activities abroad that ultimately have consequences in the United States, such as smuggling, counterfeiting, and movement of illicit drugs. These agents collaborate effectively in their missions with foreign police officials. To a large extent, such cooperation is made possible by the fact that the United States and the foreign countries in which United States agents are stationed have a common membership in Interpol.

In addition, the General Secretariat, located in St. Cloud, France, staffed by police officers on assignment from the French Surete and the Prefecture, as well as from numerous other countries, maintain complete identification files, fingerprints, photographs, etc., on known international criminals and furnish member countries with studies, reports and intelligence on the activities of individuals and groups engaging in international criminal operations.

The benefits derived from our participation in Interpol are far more valuable than the modest amount we pay in dues. I am pleased to introduce and offer my support for this legislation.

Mr. Speaker, by way of more precise explanation of the content of the bill, I quote herewith the letter of transmittal dated June 15, 1971, addressed to the Speaker by the Secretary of the Treasury:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 15, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization."

Under existing law, the Act of June 10, 1938, (22 U.S.C. 263a), there is a ceiling of $28,500 per annum on the total dues to be paid for the membership of the United States in the International Criminal Police Organization (Interpol). As the agency designated to represent the United States in the International Criminal Police Organization, the Treasury Department has been responsible for the payment of Interpol membership dues and has obtained annual appropriations for that purpose. Because the dues have been increased, the Treasury Department recommends that the ceiling be increased from $28,500 to $49,000 and the payment of the outstanding balance of $20,170 for calendar year 1970 be authorized.

Congress amended the Interpol enabling act in 1967 to increase the then existing limitation on United States dues payments from $25,000 to $28,000 a year. Since that time, however, expenses have risen appreciably and at the annual conference held in 1969 in Mexico City the General Assembly of Interpol approved a new budget increase which raised the United States membership dues to the equivalent of $48,670 a year starting in calendar year 1970. The amount of dues payable by member countries is reconsidered every three years by the General Assembly of Interpol. The United States share represents only about 6% of the total amount of dues payable and is equivalent to the individual shares to be paid by each of the following members: France, Germany, United Kingdom, and Italy. Adequate safeguards are provided through congressional consideration of the annual appropriation request for the amount of such dues.

The Department believes that participation in Interpol is far more valuable to the United States than the amount of the annual dues. Such membership makes this country part of a productive information and communications system relating to criminals. This is valuable not only because of the data it regularly provides about offenders, but also because of the knowledge it imparts about developing trends in international crime and police science.

On June 25, 1970, the Department submitted legislation on the matter to the Speaker of the House of Representatives, which was introduced as H.R. 18550, and referred to the Committee on the Judiciary. However, no further action was taken on the measure and the Department as a result has been unable to pay the membership dues for the calendar year 1970 in full because of the present statutory limit. Consequently, section 2 of the draft bill would authorize the payment of the balance of the dues remaining unpaid for 1970 and authorize appropriations for that purpose.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the House of Representatives. An identical bill has been transmitted to the President of the Senate.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

JOHN B. CONNALLY.

POW PRISONS SHOULD BE INSPECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, 7 years and 83 days ago the first American became a prisoner of war in Southeast Asia. Since that time too many of our young men have been captured by the North Vietnamese or have become missing in action. This is a long time to be held prisoner in a war that should have been ended long ago. We have little idea who the North Vietnamese is holding captive much less what kind of treatment they are receiving. Our boys deserve better than that.

Mr. Speaker, this deplorable situation must be ended. We must do all in our power to secure inspection rights of prison camps by neutral observers, to get assurances that our prisoners are receiving humane treatment, to secure a list of all prisoners, and finally we must step up our efforts to negotiate the return of all men imprisoned by the North Vietnamese.

MERCHANDISING STOLEN PROPERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. DEVINE) is recognized for 5 minutes.

Mr. DEVINE. Mr. Speaker, I had occasion today to pay a partial visit to the highly publicized press conference of a group of our colleagues, augmenting a statement of 62 House Members, designed to influence Attorney General Mitchell, in effect, to withdraw his suit to enjoin the New York Times from publishing certain classified material.

Apparently the spokesmen for this group will inject themselves into the legal proceedings as amicus curie for the purpose of urging publication of the secret documents. Frankly, I am appalled and disturbed by what appears to be an endorsement by certain of our colleagues of the practice of merchandising stolen goods. Do they really realize what they are sanctioning? In my rather broad experience as a lawyer, prosecuting attorney, and law enforcement official, it was always considered a crime to fence,

or merchandise, stolen goods, and the facts in this case merely would compound the offense by peddling highly secret, sensitive U.S. Government documents.

I suspect by now most everyone knows there were 47 volumes of the material in the secret report, and only 15 sets, so it should not be impossible to discover from whom they were taken, and I presume the Attorney General will vigorously prosecute whoever is responsible for this outrageous breach of trust.

Moreover, I am deeply distressed over the publication by the New York Times of top secret Defense Department documents. In my view the action taken by one of America's supposed "leading newspapers" represent a new low point in journalistic irresponsibility and constitutes a serious threat to the internal integrity of our National Government.

I should like to emphasize very clearly at the outset, that, although I strongly believe in the public's right to know and in the concept of free and open government, the articles published by the Times far exceed any reasonable interpretation of these principles. The documents in question used by the Times were stolen from the U.S. Government and were clearly marked as classified "top secret" by the Department of Defense. That it went ahead and published them, at a time when American combat soldiers are still engaged in the battlefields of Southeast Asia, to me indicates a callous disregard for the national interest and a serious violation of the law.

It is vitally important that we separate the two very different questions which are raised by the Times' action. The first question is whether or not this is the proper moment for us as a Nation to engage in a national debate over how and why we entered the Vietnam war. The Times obviously believes that it is. I strongly feel otherwise.

It is my feeling that, in view of the fact that there are still American servicemen in the field and American prisoners of war interned in Southeast Asia, now is not the time to undertake a retrospective analysis of our involvement nor a self-recriminating search of our souls. Perhaps I would feel otherwise if the present administration were not getting us out of this unfortunate war. It is apparent that it is. President Nixon has withdrawn over 300,000 troops from Vietnam and has announced his intention to continue his withdrawal program. Vietnamization seems to be working and the Paris negotiations just might start moving forward at any time now that the war is winding down.

We should have an analysis of our involvement in Southeast Asia and there are very few people who would argue otherwise. However, there will be ample time for all to engage in such an effort. I believe that the Times' contribution at this time can have a very detrimental impact on the President's efforts to achieve a settlement. It is a classic example of very bad timing which very well may prolong the agony of the war.

The second issue raised by this controversy is a much more serious one, involving as it does a flagrant disregard for national security. Here is a newspaper anxious to print "all the news that's fit to print" obtaining a highly classified Government document from an inside source, proceeding to declassify it by publishing its contents on its news pages. The Times evidently is putting the American people on notice that it is willing to violate the law to obtain classified information relating to the national defense and it is taking upon itself the authority to determine whether or not that information should be declassified. In other words, "National security be damned."

To me this means that any and all classified documents in the possession of our Government henceforth are fair game to the Times or any other newspaper that can get its hands on them. It means that Government employees at all levels will be subjected to solicitations from enterprising reports for classified documents of all sorts whose contents might later appear on the news pages of newspapers across the country. It means that Government officials—both our own and those dealing with us—cannot operate freely with the assurance that highly sensitive conversations will not be the subject of somebody's headline. The implications of all this are appalling for every American. It must not be allowed to happen in America.

I, for one, do not want to see national security decisions made by Arthur Ochs Sulzberger of the New York Times. I urge the present administration and the Justice Department to prosecute the New York Times to the fullest extent of the law. The Times and its reporters have no constitutional right to violate the law and endanger national security. Those who believe that we will have a freer flow of information were the Times allowed to prevail in this instance will be sadly disappointed. If such conduct receives the sanction of the law, Government officials will surely be much more secretive in their activities than they need to be today. The "chilling effect" on our national leaders would be a great detriment to effective government. Its impact on international diplomacy, devastating.

The nature of the documents in this instance is totally irrelevant. There are well-established procedures to declassify secret publications whenever appropriate, but this must be a governmental function and not one for a newspaper. What really is at issue is whether anyone has the right to steal classified documents and publish them at will. If the New York Times can blatantly and arrogantly violate the law and jeopardize national security without punishment, it will be a sad day indeed for this great Nation. I urge that every individual involved in this most unfortunate episode—whether he be government official or Times employee—be brought to trial and dealt with accordingly.

HEARINGS ON VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I would like to announce that Subcommittee No. 1 of the House Judiciary Committee has scheduled a series of public hearings on various proposed constitutional amendments to provide voting representation for the District of Columbia.

These hearings will commence on July 19, 1971, at 10 a.m., room 2141, Rayburn House Office Building, at which time congressional witnesses will be heard. On July 20, 1971, Government witnesses and District of Columbia officials will testify. Organizations and public witnesses are scheduled to be heard on July 21 and July 22, 1971.

Those wishing to testify or to submit statements for inclusion in the hearing record should address their requests to the Committee on the Judiciary, House of Representatives, room 2139, Rayburn House Office Building.

ENVIRONMENTAL AND CONSERVATION ORGANIZATIONS OPPOSE STREAM CHANNELIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations, of which I am chairman, has for several years held wide-ranging hearings and investigations on the economy and efficiency of Federal Government programs as they relate—for better or for worse—to the environment.

Our subcommittee recently concluded 7 days' of hearings called to evaluate the effects of stream dredging and modification programs—the small watersheds "stream channelization" projects authorized by Public Law 566—on the quality of our environment.

We set out to learn the answer to a question of prime importance: Are those Federal agencies which conduct, authorize, or provide financial assistance for stream channelization projects—principally, the Army Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service, and the Tennessee Valley Authority—complying with congressional mandates: First, to consider carefully possible adverse effects on fish and wildlife, in order to avoid or minimize them; and second, to protect and enhance our Nation's recreational opportunities and the quality of our waterways.

We heard testimony from proponents of stream channelization that these projects may—

Increase available water storage;

Provide flood protection to bottom land—which is then developed for residences and crops;

Decrease mosquito populations; and

Increase land values.

Critics of channelization testified that although these projects are designed primarily to facilitate navigation and flood control, they also—

Adversely affect fish and wildlife habitat;

Increase streambank erosion and stream sedimentation;

Increase pollution downstream and cause greater downstream flooding; and

Destroy esthetic values.

Representatives of environmental and conservation organizations who testified during the first 2 days of our hearings were unanimous in their support for a moratorium on stream channelization projects. They are joined by countless other organizations and individuals, many of whom have communicated their concern to me.

During the May 4 hearing, I asked the witnesses whether they would agree with the witnesses we had heard the previous day that, beginning on July 1, 1971, a 1-year moratorium be placed on stream channelization projects. The following colloquy ensued:

Mr. REUSS. Yesterday the question was put to the witnesses—representatives of the Audubon Society, the Wildlife Management Institute, the National Wildlife Federation, the Izaak Walton League, and Friends of the Earth—whether it would not be in the public interest for Soil Conservation Service channelization activities to be suspended during the year starting July 1, 1971, and ending with the end of that fiscal year. There was unanimous agreement among the witnesses that such a prohibition would be in the public interest.

I am going to ask each one of you that proposition, though some of you in your testimony made it clear that you would go much further.

I will take you in the order that you testified. How about the American Forestry Association?

Mr. TOWELL. I would wholeheartedly concur in the opinion of my colleagues yesterday, Mr. Chairman, that a 1-year suspension, or even longer if necessary, to review all channelization projects would be in order. However, I would not agree with one of our colleagues today, and others perhaps, about a suspension of all Public Law 566 projects for 2 years. I think this would be bad because there are many fine recreational, wildlife conservation, soil conservation, water conservation projects going forward under Public Law 566, and I think it would be disastrous to condemn the whole program for its weaknesses.

Mr. REUSS. I put my question narrowly to try to see the measure of as much agreement as possible. And your testimony is clear that you would favor as a minimum a 1-year ban on further channelization.

Mr. TOWELL. Yes, sir; I concur.

Mr. REUSS. Let me now turn to Mr. Barry of the Wildlife Society.

Mr. BARRY. I concur, but perhaps it would be well to establish that date in 1973, rather than immediately, in order to effect the administrative procedures.

Mr. REUSS. You say for 2 years?

Mr. BARRY. No. To start the procedure in 1973 rather than right now. It might create administrative complications if you started in the fiscal year 1972, or this July.

Mr. REUSS. Well, I picked that date for several reasons. One, it is close at hand. Two, it happens to be the day after the SCS Memorandum No. 108 filing deadline, which requires a return from the State conservationists; because unless there is such a prohibition, there would be nothing to stop the SCS from going right ahead with stream channelization as it has done for the last 15 years or so.

Mr. BARRY. But aren't there contracts ready to be let, and you might have complications in legal procedure here?

Mr. REUSS. The reference in my question was to the fiscal year 1972 budget.

Mr. BARRY. That would be starting in July.

Mr. REUSS. The commitments that exist before that would presumably have to be on order.

Mr. BARRY. We concur then.

Mr. REUSS. Yes, would concur, Mr. Dickerman?

Mr. DICKERMAN. Yes. The Wilderness Society could clearly concur in the proposal you made as a minimum situation. I think our testimony would indicate we would prefer to go further.

Mr. REUSS. Dr. Jenkins.

Dr. JENKINS. What would be the nature of the review carried on during this year's moratorium?

Mr. REUSS. My question sort of leaped over that because I was trying to get a minimum position, if there is one, on which all witnesses would agreed. I would assume that during the year in which there was a moratorium, organizations such as those represented here today would be working with the Soil Conservation Service—either to make the ban permanent or to see whether there are not some channelization projects which don't present any environmental threat and which are economically sound. If so, presumably the ban would be partially lifted, but these are facts that we can't now determine.

Dr. JENKINS. Fine. We would concur.

Mr. REUSS. You would concur. Mr. Johnson of the Sierra Club.

Mr. JOHNSON. Yes, I concur.

Mr. REUSS. General Rich?

General RICH. Yes, sir.

Mr. REUSS. And finally, Mr. Strohbehn and Mr. Barlow of the Natural Resources Defense Council.

Mr. STROHBEHN. We clearly concur.

Mr. BARLOW. Yes, sir. I, myself, have just recently been alerted to the full and wide problems caused by stream channelization, and I would certainly welcome this period of review to continue picking up all the information that is just coming to the fore on the devastating effects of channelization.

In fact, at the end of this period of review we very well might find ourselves in the position of asking the Soil Conservation Service to pursue flood control and to keep our streams clean by constructing swamps instead of destroying them.

Mr. REUSS. It is interesting that there is unanimous agreement today on this proposition, as there was yesterday; and between today and yesterday we have a very wide spectrum of the greater conservation organizations of the Nation. Your agreement with the proposition I put gentlemen, means, I take it, that you would not be satisfied with the operation of SCS Memorandum No. 108 over the next year. While it represents some forward motion, it apparently is your opinion that stream channelization would still continue under that operation, and you feel that, at least for the interim year, it should not continue. Is that a fair statement?

(All replied in unison affirmatively.)

Mr. REUSS. I'm particularly interested in the enthusiastic "yes" answer to my question given by the Natural Resources Defense Council, because you gentlemen—especially Mr. Barlow—showed more sympathy perhaps toward Memorandum No. 108 than some of the other witnesses have. But even you, sympathetic as you are, say that the boom should be lowered as of July 1, for at least a year.

Mr. BARLOW. Yes, at least.

Mr. STROHBEHN. Yes.

Mr. BARLOW. At no point in Memorandum No. 108 is there any indication that a specific channelization project is going to be shelved as a result of the review. This review process is simply paper shuffling in many cases.

Mr. REUSS. In general, you get the feeling that Memorandum No. 108 says "if the conservationists are being difficult, because we are bulldozing trees a hundred feet from the stream, just bulldoze 50 feet from the stream and see if we can't get them off our back." Would that be the general feeling?

Mr. BARLOW. Yes. But Memorandum No. 108 does give us an opening to pursue this further. For instance, it has come to our attention that the Soil Conservation Service is not requiring the State conservationists and the sponsoring soil conservation districts to submit 102 statements of any projects that were approved prior to the passage of NEPA—the National Environmental Policy Act. And since 108 clearly indicates that channelization is causing a lot of problems, we feel that there are grounds to go to the Soil Conservation Service and say, "where are the 102 statements on these projects?"

Mr. REUSS. I would just comment that it amazes me that the Soil Conservation Service—which as I have said in days gone by has been one of my favorites—is so careless of its reputation that it has allowed a situation to come about where in the clearest and most forthright way all the great outdoors and conservation organizations which have testified before us yesterday and today are unanimous in their condemnation. I don't know where SCS has been.

Mr. Speaker, yesterday I included in the RECORD, in my remarks on stream channelization, excerpts from letters we have received from State and international agencies. I now include, at this point in the RECORD, excerpts from the statements of environmentalists and conservationists who testified before the Conservation Subcommittee at its May 3 and May 4 hearings:

THE NATIONAL RIFLE ASSOCIATION—MAJ. GEN. MAXWELL E. RICH, RETIRED, EXECUTIVE VICE PRESIDENT

Some of these [channelization] projects have enhanced the quality of our environment by conserving soil, water and wetlands, and therefore the maintenance of suitable habitat for viable fish and wildlife resources.

Too often, however, these federally subsidized programs have subverted the wise and basic principles of conservation and have, in the opinion of many competent biologists, done irreparable harm to soil and water and wildlife resources. Included in this category, we believe, are the extensive wetland drainage projects which, in a puzzling paradox, add agricultural land acreage as agricultural lands are being removed from food production by other Federal programs. Meanwhile, these wetlands, valuable as wildlife habitat and a means of diverting rain from surface water runoff to much needed underground water supplies, are lost.

Case histories of dredging, drainage and channelization are legion and each such history has in common with others the conversion of living streams to silted ditches. Fish and other wildlife populations are decimated and radically changed by species. A 1964 study by Bayless and Smith in North Carolina found a 90-percent reduction of aquatic life after stream channelization. The results of this study are substantiated over and over again by separate studies conducted by independent and respected scientists in such diverse States as Ohio, Colorado, Washington, Nebraska, Montana and many others. An interesting study on the Tippah River in Mississippi concluded only last year showed the streams produced a standing crop per acre of fish before channelization of 887 fish weighing a total 240.7 pounds. Four years later the same stream produced 2,498 fish per acre totaling only 4.8 pounds in weight, a reduction of 98 percent in weight, an increase of 68 percent in numbers. The second sample is 99 percent minnows, shiners and darters—species of no food or recreational value.

It may appear strange that our association

which has a basic interest in sport shooting and hunting should show so much concern over the reduction of aquatic life. And I hasten to point out that our interest in the environment is not limited but rather is a matter of entire concern. Terrestrial animal population is equally damaged by channelization, and it is more difficult to make the same precise evaluation of this reduction as is noted in studies of aquatic animals. However, the serious decline of terrestrial species, dependent on the edge environment of stream banks is immediately obvious.

Texas reports a 90-percent reduction of their 4.5 million white wing dove population as the result of clearing riparian lands along the Rio Grande River by a Federal agency as part of a reclamation project.

Many of these federally sponsored projects lay claim to providing additional man-days of recreation on the water impoundments and reservoirs thus created. However, we hear no claims being made as to the quality of this new recreation. Nor do we hear much about increased siltation rates of water impoundments because of channelization of upstream tributaries.

We suspect that frequently the deciding factor on channelization, reclamation, and so-called flood control projects is an economic one. The implication of increased short-time prosperity brought about by the expenditure of substantial sums of money by the Federal Government for local construction overrides the long range loss suffered from a degraded environment.

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THE NATIONAL AUDUBON SOCIETY—MR. CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT

The channelization emphasis in the Public Law 566 program has to be changed • • •. These damages are in the lowering of water tables, the elimination of flood plains as natural reservoirs and recharge basins for aquifers, the elimination of wildlife cover and of stabilizing vegetation along the streambanks, an increase in water temperature and turbidity, elimination of desirable sport fisheries, and decimation of a whole host of stream-related wildlife. In short, the conversion of beautiful streams that are rich in natural life into sterile and unsightly ditches. And all for the benefit, really, of a relative handful of riparian landowners who, at the cost of disproportionate public investment, gain more acres of cleared and tillable land.

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Two years ago the Game and Fish Commission of the State of Georgia made a careful analysis of SCS plans for the extensive channelization of the Alcovey River and its tributaries, Flat Creek and Cornish Creek. Using the Soil Conservation Service's own figures, the commission found that channeling 80.9 miles of these streams would make possible the drainage of 4,327 acres of privately owned swampland at a cost to U.S. taxpayers of $3,494,432, or at the average cost of $807.77 per acre. The value of the land before drainage was estimated at $300 per acre, and after drainage it would be worth, the SCS said, $350 per acre.

The economics of most such projects, we fear, are equally fantastic—not counting the generally unmeasured but substantial costs in environmental damage.

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THE NATIONAL WILDLIFE FEDERATION—MR. LOUIS S. CLAPPER, DIRECTOR OF CONSERVATION

We were, like the Audubon Society, one of the original supporters of the small watershed program and the Watershed Congress which each year continues efforts to promote this concept.

We still believe there is merit and public value in the original concept of the watershed program—that of controlling floods by holding water where it falls, especially in the upper reaches. But we honestly and sincerely feel many of the so-called channel improvement projects which are being pursued under the guise of flood control in reality are measures designed to speed water off the land or to allow adjacent farmowners to reclaim wetlands for increasing agricultural production, and we don't believe it's consistent, Mr. Chairman, for one arm of the same department to increase agricultural production at the same time when another program within the same department is endeavoring to pay subsidies to keep lands out of production.

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Now, I would like to make one additional expression. We would express the hope that the subcommittee will join us in reaching the decision that these drainage and channelization projects as currently pursued are contradictory, conflicting, wasteful, and harmful, and not in the overall public benefit.

Further, we hope and trust that the subcommittee will recommend administrative changes and, if necessary, additional legislation which will correct the ills and deficiencies which these hearings are bringing out.

AMERICAN FORESTRY ASSOCIATION—MR. WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT

As a native Missourian, I witnessed almost complete disappearance of what we called our delta hardwoods down in southeast Missouri from land drainage and clearing as a result of drainage and channelization. At one time there was a tremendous hardwood forest industry in that section of our State, but as a result of this drainage and the clearing that resulted from it this almost completely disappeared.

The same thing is true in other States. In Arkansas, for example, since 1960, 1.2 million acres of delta forest have been cleared, and they calculate this at the rate of 150,000 acres per year. In Arkansas only about 2 million acres of the delta forest remain.

In Mississippi we have some figures, too, which show that 1 acre out of every three in the delta region has been cleared. And I think, as I already mentioned, that this clearing is a direct result of drainage and stream channelization. Once the land is cleared, it, of course, goes immediately into agriculture crops, which I am afraid is the real incentive behind the project.

I quote also from a U.S. Forest Service report in Louisiana:

"It appears that the brunt of agricultural expansion in the delta is being borne by the better hardwood sites and that forests are being increasingly restricted to areas that flooding, poor drainage, and soil conditions render unsuitable for farming. The delta has long been noted for the quality and quantity of timber yielded by its heterogenous forests. These forests are generally regarded as the most productive hardwood lands of any size in the entire South or perhaps the Nation. The decade-by-decade attrition of hardwood acreage in the delta has caused widespread local concern over the long-range future of the region's wood-processing industry."

This same thing happens not just in Arkansas and Mississippi and Louisiana, but in most of the Eastern and Southern States where you have delta forests, where you have flood plains, and lowlands, where drainage is generally desired to achieve agricultural productions. • • • when forests are gone, generally the wildlife goes right along with it.

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Now, I am against channelization generally. I think it has been overused and abused to the detriment of forests, to the detriment of fish and wildlife. I think it should be eliminated eventually as a small watershed project because of its misuse and because of the detrimental effects it has on conservation and environmental matters. • • •

THE WILDERNESS SOCIETY—MR. ERNEST M. DICKERMAN, DIRECTOR, FIELD SERVICES, EASTERN REGION

The Wilderness Society would like to stress one major thought: The place to keep the water is in the soil. That is where the water is most fruitful. To undertake to run it off as rapidly as possible is to lose its prime benefit in terms of productivity, whether of domestic cattle, wildlife, cultivated crops, timber, fish, or other forms of plant and animal life upon which man is dependent. To be beneficial the water needs to stay in the land. A meandering stream or river, along the banks and bottoms of which innumerable forms of plantlife grow, does this best. Likewise, a swamp or marsh is the most efficient and effective form of water reservoir, automatically expanding or contracting as the circumstances require, absorbing the surplus waters in time of flood, releasing the surplus waters gradually after the flood has subsided. And all the while as the swamp or marsh automatically performs this reservoir function, it is constantly productive in terms of growing suitable types of timber, of sustaining bird, fish, and other animal life ranging from the conspicuously visible to the microscopic in size, of providing one more of the varied forms of natural habitat necessary for a balanced ecology on this planet.

Because we as a society have become so accustomed to judging practically everything by the number of dollars which it will add to man's annual income, we have persisted in the error of closing our eyes to the long-term needs of life itself. We have closed our eyes to the fact that man, too, must live in harmony with nature and must adapt his needs and actions to conform to the balance of nature if he is to have a continuing existence—most especially so if he is to have a full and satisfying life.

These channelization projects, which would drain the water off the land and accelerate its movement to the sea are in most cases of benefit only to the individual property owners who stand to make a quick monetary gain from some short term use not previously possible. A former piece of swampland, drained and filled, may then be subdivided and the land sold at a handsome dollar profit by the original private owner—with the new homeowners probably plagued with drainage problems from then on. Or the drained swamp may initially and for some years grow cash crops previously not possible; but the odds are that the character of the soil will not sustain indefinitely intensive cultivation and in time it will have to be abandoned. With the stream or river ditched and straightened by dragline or bulldozer, almost certainly the local water table will be lowered, reducing the fruitfulness of the adjacent lands. Most certainly fish life will be destroyed indefinitely, for the barren stream bed will contain no nourishment, the swifter flowing waters will retard the growth of new plantlife and the sustaining of needed microscopic life, and the frequent deposition of silt cut by the faster flowing water from the bare stream banks will periodically suffocate new plant life bold enough to try again.

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This is the sort of Government-financed program which needs to be eliminated in short order.

We have too long presumed to evaluate a wide range of river control projects only on a limited range of factors. By omitting consequential loss factors, we have made unwise projects appear favorable in terms of immediate dollars and cents. For example, on dam and reservoir projects for years we have deliberately omitted the loss of annual food

production from the highly productive river-bottom lands which would be permanently inundated. The National Environmental Policy Act of 1969, with its section 102 statements requiring that all adverse environmental effects be taken into account, represents positive action on the part of the Government to see that in our environmental projects the entire range of related factors is fully considered. But with thousands and thousands of separate channelization projects programmed all over the United States, we cannot hope for adequate protection of the public interest if each one has to be reviewed and fought individually when the true problem lies in the basic error of the general policy of river channelization.

This destructive policy has gone on because the channelization projects happen one by one in a diversity of localities around the country, making it difficult to show them as a national danger. The Subcommittee on Conservation and Natural Resources is to be most heartily commended for focusing public attention at the national level on this problem.

THE SIERRA CLUB—MR. A. STEVE JOHNSON

"Channel improvement" as used by the SCS can mean a wide variety of operations, ranging from simple removal of snags and debris from the streambed, to drastic excavation and straightening of miles of stream channel, with complete removal of vegetation from banks. Quite often, however, the latter extreme is the dominant one. For example, in my home State of Georgia, the 72 SCS projects authorized as of December 1970, include 318 miles of excavation, plus 264 miles of clearing and snagging.

Similar activities by other Government agencies—notably the U.S. Army Corps of Engineers and the Tennessee Valley Authority—are much in evidence in the Southeast. For example, TVA's plan for development of the French Broad River Watershed in North Carolina includes 74 miles of channel improvement, of which 58 miles is excavation. Channelization activities of the Corps of Engineers during the past 40 years have affected every major stream in the delta region of Louisiana; hardwood forests in this area are being cleared at the rate of 110,000 acres per year, and at this rate will be depleted by 1991. Proposed development of the Atchafalaya Basin in Louisiana by the corps is expected to detrimentally affect 1,300 square miles of outstanding wildlife habitat.

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Although environmental impact statements are now required on all SCS small watershed projects, under the National Environmental Policy Act of 1969, such statements appear to be little more than a formality, are poorly researched or documented, and show a gross ignorance of ecological principles on the part of the SCS. For example, in the statement on the headwaters of the Chattooga River in Georgia—Coosa drainage—section II, headed "Adverse Environmental Effects" contains only the one blunt statement: "No adverse effects on man's environment are anticipated." (The project contains seven floodwater retarding structures and about 26 miles of "channel improvement.") The statement on the North Oconee River project in Georgia states: "The 24 miles of channel improvement are not expected to result in losses to the presently low-value fish and wildlife resources." No biological data or other evidence of intelligent investigation into the subject is apparent in the statement.

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WILDLIFE SOCIETY—MR. EDWIN M. BARRY, ON BEHALF OF DR. FRED G. EVENDEN, EXECUTIVE SECRETARY

I would like to say that from my experience the Middle Atlantic States and those to the south of us, who have experienced severe damage to wildlife through drainage of swamps and marshes and relocation of existing streams and rivers, are of one mind in the demand that future Federal agencies not rest their case on mitigating measures but that all projects show documentary approval and that all resource values are thoroughly considered and replacement in kind of fish and wildlife habitat is effected.

We might point out that in the little State of Maryland there are about 300,000 acres of wetlands. We are losing more than 2,000 acres a year.

THE WILDLIFE MANAGEMENT INSTITUTE—DR. LAURENCE R. JAHN, VICE PRESIDENT

Increased flows have undesirable impacts all along stream channels. And this, I emphasize, is an important relationship. They alter the stability of the channel itself wherever the peak flow moves. The added volume of water gradually enlarges the channel through erosion. The results are unstable and poorly vegetated banks, scoured or muddy channel beds, and unusual debris accumulations. All of these results degrade a stream and its associated flood plains. Biological productivity declines. Preferred species of fish decrease, and if conditions are particularly severe the species composition may change drastically with the desired species becoming rare or being eliminated. Esthetic values are degraded. Of course, some of this happens in undisturbed streams, but the results are neither as abrupt nor as disastrous as in areas downstream from channeled portions of streams.

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In view of these potentially serious adverse impacts of channelization on interior continental streams, we recommend:

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8. That a moratorium be established immediately on construction of channels and other drainage measures in watershed projects. As of July 1970, construction was in progress on 728 small watershed projects and planning was underway on 368 projects in the United States. Additional watershid projects are being proposed continuously. Established projects have been evaluated and planned without benefit of adequate ecological, hydrological, and benefit-cost considerations. Alternatives for channel construction and drainage should be incorporated into all approved and proposed projects.

THE IZAAK WALTON LEAGUE OF AMERICA—MR. TED PANKOWSKI CONVERSATION ASSOCIATE

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It is suggested, Mr. Chairman, in the interest of flood prevention, channelization is actually causing higher and greater flood levels than occurred before the channelization took place.

In north Missouri, for example, a rough estimate is that more than 400 miles of river have been completely channelized, 600 miles of river partially destroyed with more than 700 miles scheduled for straightening and damming. The Satilla River in Georgia that should be studied for "scenic river" designation is, according to our affiliates there, a target for recreational navigation, a concept conjured up by some Corps personnel.

A similar situation existed with respect to plans to convert the Maumee River from Toledo, Ohio, to Fort Wayne, Ind., into a commercial barge canal eventually linking up with the Ohio River. * * *

The public has been made well aware of the more notorious instances of environmental damage caused by these works—the Alcovy River in Georgia where the Soil and Water Conservation Service of the Department of Agriculture advised us 2 weeks ago no environmental impact statement as required by EPA has yet been prepared. * * *

And in New Jersey * * * we learn that the Department of Agriculture may be contributing to their destruction. This is done through a Federal assistance program to salt hay farmers, who are encouraged to dike off lands over which the tide flows and to drain it for increased hay production.

The particular irony here is that this encourages the breeding of mosquitoes so that the department can then offer further assistance for pesticide application.

THE NATURAL RESOURCES DEFENSE COUNCIL—MR. EDWARD L. STROHBEHN, JR.

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The seriousness of the environmental destruction problem posed by the watershed protection program is apparent from its magnitude: as of June 30, 1970, planning assistance had been authorized for 1,561 watersheds, of which 273 projects had been completed; a backlog of 1,300 applications for assistance had accumulated at that time and 8,904 of the 19,195 watersheds in the Nation that could qualify for Public Law 566 assistance were reported as needing attention. By April 1, 1971, SCS had completed another 27 projects.

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And the Soil Conservation Service has permitted itself to pursue an environmentally destructive course of agricultural land development when its statute clearly commands it to undertake an environmentally responsible multipurpose program. Here, however, under existing authority, other Federal agencies that are seeking to protect the environment can undertake responsible decisionmaking roles regarding the watershed protection projects.

Unless remedial action is taken now, one of the most precious parts of our environment will be lost forever. We would be wise to remember Justice Holmes' admonition: "a river is more than an amenity, it is a treasure." So is a stream.

FRIENDS OF THE EARTH—MR. BRENT BLACKWELDER

No account is taken in the cost-benefit analysis of significant costs. There is a great deal of mention of benefits but no enumerations of such significant losses as losses of fishing, hunting, esthetic beauty, recreational opportunities, loss of forest products, losses from lowering of the water table, from increased downstream flooding, siltation, the rapid spread of pollutants and insecticides.

Furthermore, the loss of areas of scientific and educational value is something that should be taken into account but is not now done.

In addition, an unrealistically low discount rate is used to justify these projects. Many of them were authorized under a 3⅛-percent rate, and they have yet to be installed. Were the opportunity cost of capital to be used as the discount rate—that is now between 8 to 10 percent—perhaps as many as 80 to 90 percent of these projects would have an adverse ratio and could not be initiated.

Studies of a number of these projects have shown that it would be cheaper to purchase the land and use it as a wildlife refuge rather than continue with the project.

Almost double the amount in some projects is being spent per acre over and above what the land is valued at.

The magnitude of the threat posed by channelization needs to be stressed. Fewer than 300 projects have been completed, but the claim is that over 10,000 additional Public Law 566 projects are needed, and unless something is done, many of these 10,000 will involve channelization.

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We fully support a moratorium for a good number of years until adequate scientific investigation can be conducted on all of the Soil Conservation Service Projects. We do not believe that the talk of mitigation which is mentioned in Watersheds Memorandum 108 will be sufficient because there is no reason to mitigate losses on projects which should not have been initiated in the first place.

THE NATURE CONSERVANCY—DR. ROBERT E. JENKINS, ECOLOGY ADVISER

In our view, the chief purpose and result of channelization and stream modification is the destruction of natural habitat resulting from the naive and arrogant assumption that a simplistic, artificial hydrological system can be imposed on the natural one without penalty.

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Of all the habitats we seek to save, none are more important, in our view of the current evidence, than waters and wetlands. Life began in the water and it is still water upon which every living thing depends. At the same time, mismanagement and misunderstanding of the water resource is perhaps the outstanding feature of present day civilization's treatment of the environment. Water is at the bottom of things and, therefore, becomes particularly vulnerable to a variety of influences in the surroundings, the effects of which are eventually felt in the lakes, streams, oceans, or wet bottoms.

At time when the need to preserve the aquatic environment is becoming apparent, the intent of channelization and other stream modifying operations is frequently the elimination of natural wetlands. In their place we are offered ditched streams and artificial impoundments. Natural floodplains are no longer to be permitted their periodic floods. Natural valley communities which were exquisitely adapted to occasional inundation are drowned under permanent pools of deep water. Swamps and marshes are drained, cleared and put into crops.

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Prior to September 1, 1969, nearly 59 million acres of watershed in 956 projects had been approved for alteration under Public Law 83–566 alone, and applications had been made to treat another 155 million acres in 1,860 other projects.[4] In 1964, Hollis Williams of the Soil Conservation Service asserted at the 11th National Watershed Congress that 1 billion acres—or 43 percent of the U.S. land area—needed watershed development. In the single month of March 1971 the Council on Environmental Quality received environmental impact statements from SCS for projects involving 22 dams and at least 61.9 miles of channel alteration on watersheds covering well over 200,000 acres.

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It might be better if all of this were a simple matter of spoiled esthetics and insulted conservationists, but it is much grimmer than that. Whereas the colonial agriculturist could be forgiven for his belief that swamps were useless or worse, in the face of the emerging evidence to the contrary, it is not asking too much of Government environmental specialists to reassess their positions on the matter. I will not speak here of the well-known values of wet lands to fish and wildlife, their great recreation and esthetic potential, and their tremendous productivity relative to other ecosystems. These are well-known facets of wet lands which I feel have already been considered by the promulgators of hydrological simplification and rejected as less important than the apparent short-term economic returns to be realized by the technological "fix" which they choose to employ. However, wet lands fulfill other vital but nonobvious functions within the ecosystem which we are only beginning to understand, but which may be of much long-term significance to human welfare.

The first of these factors has actually been known for a long time, but it has been for some reason given insufficient consideration. This is the role that wet lands fill in the hydrological cycle. Swamps, marshes, and flood plains act like giant sponges, absorbing up to 16 times their own weight of water and releasing it slowly into water courses, the atmosphere, and into deep ground waters.

Far from requiring protection from floods, such areas actually act to prevent floods elsewhere by reducing waterflows to levels which can be accommodated by existing channels.

This is exactly the opposite of the way channelization itself performs, passing the roaring torrent downstream where it can cause further problems. Retention of the water at one place permits it to percolate downward into the aquifiers, which we are now recognizing as underground reservoirs of great value because of their comparative purity and their protection from evaporative loss. Slow release of water also maintains more continuous streamflow, reliable springs, et cetera.

Mr. REUSS. Mr. Speaker, I submit that we create an intolerable situation when we allow the conversion of hundreds of once-beautiful, natural settings—the breeding grounds of fish and wildlife—to barren, silt-laden waterways in which few creatures can flourish or even survive.

PANAMA CANAL: INTENSE PANAMANIAN HOSTILITY CAMPAIGN AGAINST THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, since World War II the diplomatic relations between the United States and the Republic of Panama have been featured by a sustained sequence of unrealistic and unreasonable demands on the part of Isthmian demagogues as regards the Panama Canal. Bluntly stated, these demands aim at wresting control of the Canal Zone and canal from the United States.

Though Panamanian propagandists seem to lie awake at night trying to think up cleverly worded diatribes and distortions against United States and Panama Canal authorities, they seldom, if ever, mention the great economic benefits received from U.S. Government agencies in the Canal Zone. In 1969 more than $161,100,000 were injected into the economy of Panama from these sources giving that small country one of the highest per capita incomes in all of Latin America. Moreover, in 1970 there were a total of 15,846 Panamanian nationals employed by the United States.

Among the recent critical comments against the United States as expressed in the Spanish language press of Panama the following are summarized:

El Panama America, January 5, 1971: A columnist states that Panama has made it very clear that in future relations with the United States, it expects to be treated as an equal and will accept nothing less than absolute sovereignty over all its territory, including the Canal Zone.

El Panama America, January 8: Editorial contends that the France Field area should be turned over to Panama as that area was included in the 1967 draft treaties for cession to Panama.

El Panama America, January 8: Columnist in commenting on the January 9, 1964, Panamanian mob assault on the Canal Zone stated that each stone thrown and each bullet fired against the U.S. military repudiated the situation in the Canal Zone, in Panama, in Latin America, and indirectly in all the dependent countries; and opened new roads toward the only goal, a Panama Canal used by the people of the world and managed by Panamanians.

Matuitino, January 9: A columnist refers to the "cold, satanic executioner, Gen. Andrew P. O'Meara, who ordered his army to kill undefended citizens" in the 1964 mob attack on the Canal Zone.

El Panama America, January 10:

National dignity is vital for the Panamanians.

Hour of the Second Independence Has Come.

We should free ourselves of Colonialism.

Sovereignty or Death.

Critica, January 12: Columnist states that Panamanian jurisdiction should be administrative, fiscal, judicial, and political.

El Panama America, January 18: Operation of schools, colleges and universities in Canal Zone is illegal. No school should exist in the Canal Zone without permission from Panama.

La Hora, January 21: Referring to Representative LEONOR K. SULLIVAN, a columnist states that no Member of Congress is against Panama more than Representative FLOOD except Mrs. SULLIVAN.

El Panama America, January 24: Refers to the Panama Canal as the cancer of Panama.

La Hora, January 26: Writer states that the gringos are trying to pull the wool over Panama's eyes by closing a number of canal installations and pretending to have financial difficulties.

El Panama America, February 2: The Governor has no authority to give an opinion on the future use of the Panama Canal without first having consulted the Panama Foreign Office.

La Estrella, February 3: United States does not have the right to give political asylum in the Canal Zone.

El Panama America, February 3: Columnist devoted his criticisms to statements by Representative DURWARD G. HALL regarding U.S. sovereignty over the canal stating that such persons would listen to Panamanian reasoning only if it is backed up by an act of sabotage, or if every Panamanian in the Canal Zone becomes a guerrilla, ready to set a storehouse on fire, or place a plastic bomb in the residence of a Canal Zone official.

El Panama America, February 8: Foreign Relations Minister Juan A. Tack has done a fine job fighting for Panama's absolute sovereignty over the Canal Zone.

La Estrella, February 12: Foreign Relations Minister Tack labels Canal Zone authorities as arbitrary, abusive, and intolerable.

El Panama America, February 9: The cause of sovereignty is the cause of Latin America.

El Panama America, February 13: Compares U.S. action in the arrest of an impersonating narcotic agent with the action of the NKVD.

El Panama America, February 26: The Revolution reaffirms Panamanian political and judicial sovereignty in the Canal Zone.

Critica, February 26: Not one Panamanian would permit signing treaty in perpetuity.

El Panama America, March 1: Charging for water is another of many impositions by Canal Zone authorities on Panama.

El Panama America, March 12: Columnist writes that Latin America has been exploited by the U.S. which buys Latin America's raw materials at low prices and sells back finished products at high prices.

El Panama America, March 24: Pressure Fails/Now They—Gringos—attempt to undermine us by using drugs from the Canal Zone.

Canal Zone has been converted into a sanctuary for psychological activities against Panama.

Editorial states that not only do Canal Zone authorities protect drug pushers but they hide Panamanian terrorists and criminals.

El Panama America, March 25: Canal Zone Police have had a great time giving citations for traffic violations to motorists who do not know how to drive in proper lanes on the Thatcher Ferry Bridge.

La Hora, March 26: Canal Zone has become a source of corruption.

El Panama America, April 1: Only after the 1903 Treaty has been replaced by one satisfying Panama can there be any discussions for a new treaty.

El Panama America, April 8: Foreign Minister Tack protests to U.S. Ambassador in Panama against "illegal" operation of clubs and recreation centers in Canal Zone.

El Panama America, April 21: U.S. Chief Negotiator Anderson is wrong in wishing to consult with Canal Zone residents on treaty negotiations.

Critica, April 28: Principal aim of Torrijos is clear: Panamanian jurisdiction over the Canal Zone and elimination of irritating privileges of the United States.

Critica, May 6: "Panama One Nation: One Flag from Border to Border," say Panamanian treaty negotiators.

El Panama America, May 7: Editorial says that reactionaries are trying to make the Panama Government appear communist in order to bring about U.S. intervention.

El Panama America, May 12: Columnist writes that if something unfortunate like the January 9, 1964, mob assault on the Canal Zone occurs, the people will not be alone and Governor Parker will open new graves.

Editorial states that one of the conflicts that will be eliminated when Panama has complete sovereignty over the Canal Zone is its use as a political asylum—

El Panama America, May 13: Columnist suggests that Panama geographers revise their data and texts to show the Canal Zone as Panama.

La Estrella, May 15: Torrijos wishes to end Panama's dependence on the United States.

El Panama America, May 15: President Allende of Chile supports Panama's aim for complete sovereignty over Canal Zone.

Critica, May 15: Panama will be energetic in defense of its rights.

El Panama America, May 17: Canal Zone impedes full development of Panamanian nationality.

Critica, May 18: Columnist deals with the Guatemalan fight against communism and the part U.S. played and the various times U.S. interfered with the internal affairs of Mexico.

El Panama America, May 18: Students reaffirm defense of sovereignty.

Editorial urges an organization to promote the negotiations and to orient the masses on canal treaty with the United States.

La Hora, May 18: Panama is being flooded with contraband phonograph records from Canal Zone.

El Panama America, May 20: Columnist suggests that the problem of returning the Canal Zone to Panama be submitted to the U.N. General Assembly in September 1971.

El Panama America, May 23: Panama will demand that some of the meetings in the treaty negotiations be held in Panamanian territory.

El Panama America, May 24: Columnist blames the Thatcher Ferry Bridge for a tragic bus accident, which involved the loss of 38 Panamanian lives.

El Panama America, May 29: Editorial discusses the use of Panama water for operating the Panama Canal and questions the right of the United States to sell Panama water to vessels in transit and to Panama. He thinks that the United States should supply free water to Panama.

Critica, May 29: Panama cannot accept that its relations with the United States be on a colonial basis and be burdened by a treaty made through imperialism and power.

El Panama America, May 31: Dr. Carlos Lopez Guevara, member of the Panama negotiating team, states that the 1903 Treaty is contrary to the U.N. Charter, and that, under Article 103 of the Charter, the Charter prevails over the Treaty.

El Panama America, June 1: The Zone will no longer be a colony within our territory.

La Hora, June 1: Absolute Sovereignty: In the Panama Canal Zone.

El Panama America, June 2: A cartoon on the editorial page shows two new Panamanian patrol launches in the water with a sign saying "200 miles" and a Panamanian saying, "Now we can defend our sovereignty in the water."

Critica, June 2: Panama never gave sovereignty in the Canal Zone to the United States.

El Panama America, June 3: Revolutionary Government obligation: to consolidate sovereignty and the rights of the people in the entire national territory.

Editorial: The new Treaty will be made by the people, who will also ratify it—

El Panama America, June 3: Dr. Carlos Lopez Guevara contends that the U.N. Charter nullifies the 1903 Treaty that he says was not negotiated but imposed on Panama.

Critica, June 3: Editorial states that the existence of another government within a government was an impossible situation and the principal cause of conflict between Panama and the U.S.

El Panama America, June 4: Columnist writes that Panama wants just compensation for its contribution of geographical position and its water resources that make the Canal possible.

La Estrella, June 4: The principal objective of Panama is recovery of jurisdiction in the Canal Zone.

Mr. Speaker, the foregoing sequence is not accidental but evinces a carefully prepared design of hostility to the United States. As I have often stated the crucial issue at Panama is not U.S. sovereignty over the Canal Zone versus Panamanian but U.S. control versus Soviet control.

As regards the tragic bus accident on the Thatcher Ferry Bridge on May 24, 1971, listed above, I have taken steps to ascertain essential facts. After a study of them, I plan to make a special report to the House in an address should this be deemed appropriate.

One of the current demands that has been often repeated in the past is payment for Chagres River water on the specious claim that this water is a natural resource of Panama and that the United States should pay for it. Isthmian agitators never mention the fact that one of the fundamental provisions of the 1903 treaty grants the unrestricted use of this water in perpetuity to the United States for canal purposes and I shall quote that provision:

ARTICLE IV

As rights subsidiary to the above grants (Articles II and III) the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or waterpower or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

Mr. Speaker, the above cited treaty provision is further evidence of the vision of the statesmen who were responsible for the construction of the Panama Canal and the acquisition of its protective frame of the Canal Zone in the early part of the century. Its terms are conclusive and should end all debate but it does not, largely because of the failure of the highest officials of our Government to answer directly and forthrightly such atrocious claims and criticisms. Instead of boldly asserting our treaty-based rights as President Theodore Roosevelt or Secretary of State Charles Evans Hughes would have done, recent high officials of our Government have kept silent, giving Isthmian demagogues unrestricted play to ply their game of political blackmail.

In the present diplomatic negotiations with Panama the lineup of negotiators is as follows:

For the United States: Robert B. Anderson as Chief Negotiator, and John C. Mundt as deputy.

For Panama: Dr. Carlos Lopez Guevara and Fernando Manfredo.

It is interesting to note that Ambassa-

dor Anderson was also the chairman of the recent Atlantic-Pacific Interoceanic Canal Study Commission that recommended the construction of a new Isthmian Canal in Panama of so-called sea level design. This proposal hinges upon the surrender to Panama of U.S. sovereignty over the Canal Zone and existing Panama Canal, which to any realistic person is unthinkable. It makes imperative early adoption by the House of the pending Panama Canal sovereignty resolutions now before the Committee on Foreign Affairs.

In my judgment all that has recently occurred in Panama since the Communist takeover of Cuba has been influenced, aided and abetted by Soviet power and money. What the Soviet Government has done in these connections has been motivated by its long proclaimed policy to conquer the entire world for communism—a policy that has never been renounced, but has become more determined as shown by the recent Soviet-Egyptian Treaty.

The election of a Marxist as president of Chile, the expropriation of property there, and the assassination of conservative leaders in that country show the inevitable consequences of Communist practices in every country where they have obtained domination or a foothold. How can anyone with knowledge of these facts be so stupid as to believe that what is now taking place in Panama is without Soviet backing and assistance? Our own country's softness is dealing with the Isthmian situation has been induced, in large measure at least, by the desire of our responsible officials not to "make matters worse." Except for this Soviet backing, I am sure that these violent, truculent and hate-infected actions at Panama would not obtain.

Soviet power now dominates the Suez Canal and several Near Eastern countries, including Egypt. A Soviet fleet has been built in great strength in the Mediterranean and Soviet power is moving heaven and earth to open the Suez Canal and thus enable Soviet naval power to control the Indian Ocean and adjacent nations. According to Admiral Horacio Rivero, commander in chief, Allied Forces Southern Europe, opening the Suez Canal would provide "an enormous strategic advantage" to the Soviet Mediterranean Fleet—U.S. Naval Institute Proceedings, June 1971, page 108.

A confrontation between United States and Soviet power at Panama seems inevitable and the nonconstitutional Government there now in authority seems to have been completely taken over and dominated by Soviet influence. If and when that power takes over the canal enterprise and the United States is driven from the isthmus complete domination of all Latin American and the West Indies will inevitably follow. For this reason holding firm at Panama is imperative to the security of the United States and the entire free world.

Mr. Speaker, in the past in diplomatic discussions with Panama our negotiators do not seem to have made counterproposals to extravagant demands of Panamanian negotiators. The current claims for payment for water from the Chagres River to which the United States under treaty is entitled emphasize the importance of extending the boundaries of the Canal Zone to include the entire Chagres watershed as was originally recommended by Gen. Clarence Edwards when he was the commander of the U.S. Army on the isthmus. The present Panamanian demands for payment for lockage water make the proposal to extend the Canal Zone paramount.

The story of the latest Panamanian water demand for payment of Chagres River water as told by the two Panama negotiators and published in a leading isthmian newspaper should be of great interest to the Congress and I quote it as part of my remarks:

[From the Star & Herald Panama, R.P., June 4, 1971]

PANAMA TO SEEK PAY FOR PC USE OF WATER

Panama will demand compensation for the water consumed in the operation of the Panama Canal as well as for the use of its geographical position as a site for the waterway, according to negotiators Fernando Manfredo and Carlos Guevara López.

In a television interview over Channel 2, Manfredo and Guevara pointed out that water for putting the ships through the Canal comes from the Chagres River basin, which is a Panamanian natural resource. Fifty-two million gallons of water are dumped into the sea each time a ship transits.

As to the lands in the Canal Zone, they pointed out that there are 242,500 acres of land with commercial value in use plus 167,500 acres of land submerged under Panama Canal waters.

Discussing Panama's geographical position as a natural asset, the negotiators said this resource is not quantifiable.

In addition to direct benefits, the negotiators said, Panama is entitled to indirect benefits resulting from activities such as the docking of ships and sale of supplies to vessels.

The United States, they pointed out, has received direct benefits from the Canal, not the least of which is a subsidy for its maritime trade through low Panama Canal tolls.

In the discussions on compensation, negotiator Manfredo said, consideration will be given to what each country has furnished for the Canal enterprise. In this connection, he mentioned the United States investment in the waterway.

From the political viewpoint, according to negotiator Guevara, the main objective for Panama is to recover its jurisdictional rights in the Canal Zone. He said these rights, granted to the United States in the 1903 treaty, have been abused by the United States for purposes not provided for in that treaty.

The interviewer asked negotiator Guevara how a new Panama Canal treaty would be ratified by Panama, whose constitution requires legislative approval of all treaties.

He replied that he has heard authorized spokesmen of the Revolutionary Government say that with or without a National Assembly, a new treaty would be submitted to the people, directly for approval—a plebiscite.

BLACK LUNG LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. KEE) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, it is a pleasure to share with my colleagues a statement made by Dr. Lorin E. Kerr, director, department of occupational health, United Mine Workers of America and visiting professor of public health, Howard University College of Medicine before the General Subcommittee on Labor, House Committee on Labor and Education on May 10, 1971, with respect to bills to amend title IV—black lung benefits—of the Federal Coal Mine Health and Safety Act of 1969.

This excellent statement follows:

STATEMENT BY LORIN E. KERR, M.D., M.P.H. ON H.R. 18, H.R. 42, H.R. 43, AND H.R. 5702

My name is Doctor Lorin E. Kerr. I am Director, Department of Occupational Health, United Mine Workers of America and Visiting Professor of Public Health, Howard University College of Medicine.

I wish to express the union's appreciation to this subcommittee for holding these hearings on H.R. 18; H.R. 42; H.R. 43; and H.R. 5702, bills to amend title IV (black lung benefits) of the Federal Coal Mine Health and Safety Act of 1969. It is appropriate that this subcommittee should hold the first hearings to amend this historic act and that this initial attention is focused on title IV. Mister Chairman, you and the other members of the subcommittee played a major role in assuring the provision of benefits for black lung victims as well as the ultimate passage of the law. We are also mindful of the precedence this law established in your highly successful endeavors to protect the on-the-job health of all workers which culminated with the passage of the Occupational Health and Safety Act of 1970. Although the 1970 act is not concerned with the prevention and control of the health hazards plaguing the nation's coal miners, the administration of the 1970 act does have an immediate and direct effect on the Federal Coal Mine Health and Safety Act of 1969 and the UMWA shares with all of organized labor a deep concern about the matter on which I will elaborate later in my testimony.

As you know, the authority and responsibility for the enforcement and compliance with the health standards in the coal mine act is delegated by Congress to three federal departments. There are none of these, however, that can successfully achieve its assigned responsibilities by independent action. In each instance all interested parties, but in particular the union, must and have played an active and aggressive role. During the seventeen months since the law was enacted the union's Department of Occupational Health has conducted an intensive campaign to help coal miners disabled by coal workers' pneumoconiosis and widows of miners killed by the disease received black lung benefits. More than 50 articles, most of which contained detailed information concerning title IV, have appeared in the United Mine Workers Journal which is mailed to every member of the union. These included such items as a black lung application form; the rules and regulations for black lung benefits which appeared in the Federal Register April 7, 1970; a continuing black lung questions and answers column; and a listing of the name and address of each union district office rehabilitation counselor appointed by President Boyle to assist black lung victims. The federal black lung rules and regulations were also mailed to every local union. Mr. Chairman, sample copies of these items appear as appendix A at the end of this statement and I respectfully request they be inserted with my statement in the record of these hearings.

Beginning in May 1970 the department conducted two series of meetings throughout the coal fields with the union district rehabilitation counselors and representatives of the Social Security Bureau of Disability Insurance and the UMWA Welfare and Retirement Fund. The first meetings were designed to facilitate and hasten all applica-

tions while the second were concerned with immediate implementation of the reconsideration of all applicants denied benefits. During June 1971 a third series of meetings will be devoted to the activation of the Social Security Administration appeals procedure for those receiving a negative response to an application for reconsideration. In the union districts these regional meetings are followed by continual local group and individual meetings.

The Department, since December 30, 1969, when the bill was signed into law, has received each day more than fifty written requests for help and information on black lung benefits. Replies to these and innumerable telephone inquiries are never delayed more than forty-eight hours. In addition, there have been almost daily conversations and many personnal meetings with the Bureau of Disability Insurance in an effort to resolve individual applications, policies and issues.

Finally, I am sure you are aware of our role in the National Conference on Medicine and the Federal Coal Mine Health and Safety Act of 1969 held here in Washington, June 15–18, 1970. This was the first public review of the numerous health aspects of the act and of necessity considerable time was devoted to title IV and its administrative problems. The conference was supported by a grant from the Bureau of Occupational Safety and Health, Department of Health, Education, and Welfare; the coal industry and the United Mine Workers of America. Mr. Chairman, I have a copy of the papers and proceedings of that conference for each member of the subcommittee because I believe this report will be a standard reference on the diagnosis, prevention and control of coal workers' pneumoconiosis for some time to come. I think you will also find the contents helpful to you in your deliberations on the proposed amendments. Additional copies are available at no cost to anyone requesting them.

We have been impressed with Congressional wisdom in assigning the administrative responsibilities for title IV to the Social Security Administration. The concern for people manifested by the Social Security Bureau of Disability Insurance has been a refreshing contrast to the usual adversary attitude encountered in most state workmen's compensation agencies. It was this attitude which motivated the Bureau to implement the act the same day the President signed the bill, instead of waiting one and one-half days for the beginning of the new calendar year. This action did, in fact, provide a number of applicants with an extra month of benefits. There are many other significant actions which further substantiate the Bureau's capability to handle the black lung program. We are, however, deeply concerned about the restrictions we constantly encounter which are attributed by the Bureau to the absence of Congressional authority or the lack of clarity in the legislative intent. We think the passage of these amendments will eliminate some of these restrictions.

We heartily endorse H.R. 18. This amendment will help to rectify the serious problem surrounding the overly long delayed publication of the criteria for determining the adequacy of state workmen's compensation coverage for pneumoconiosis by the Department of Labor. The proposed rules were published in the Federal Register on October 9, 1970, with a 30-day proviso for comments. However, the final rules and regulations were not published in the Federal Register until March 17, 1971. As you know, by that time a number of legislatures had adjourned and, lacking federal criteria, they took no steps to amend their compensation laws. In fact, they resisted the importuning of UMWA district presidents to at least take the six initial steps spelled out in the act. Detailed information essential for implementing these requirements was developed early in January 1971 by the Department of Occupational Health and sent to each district president by President Boyle with a memorandum insisting on immediate action. Thus far only two states, Montana and West Virginia have made essential legislative changes. Some states opined that the lack of federal criteria indicated that P. L. 91–173 would be repealed by 1973, thus obviating the need to amend state laws. The passage of H.R. 18 will correct misconceptions and permit the orderly passage of state laws without penalizing black lung victims for whom the benefits were intended.

The union also endorses H.R. 42. On March 26, 1971, President Boyle addressed a letter to Commissioner Robert M. Ball regarding the proposed rule making concerning black lung benefits published in the Federal Register on March 4, 1971 with a 30-day proviso. A copy of this letter is attached and labeled appendix B. The first point in that letter deplored the absence in the proposed rules of any provision for the payment of benefits to dependent survivors other than widows. President Boyle noted this was a serious deficiency in P. L. 91–173 and strongly recommended that ". . . the Department of Health, Education, and Welfare take action to have legislation introduced at an early date to rectify this grievous oversight." Precedent for the passage of H.R. 42 exists in other sections of Social Security legislation where payment is made to orphans.

The UMWA strongly supports H.R. 43. We have disagreed many times with the Social Security administrative decision which permits the reduction of black lung benefits by any payments for a distinct and separate disability regardless of the source of such payments. A Congressional statement that black lung benefits must not be construed as workmen's compensation would remove the administrative subterfuge which Social Security Administration has used to support its decision. President Boyle, in his letter of March 26, 1971 to Commissioner Ball, noted above, vigorously protested this administrative decision as it appears in the proposed rule making of March 4, 1971. His letter states:

"There is nothing in the law to support your deduction of workmen's compensation payments for *any* disability. The context in which this is covered in the law clearly indicates that the disability under consideration is one produced by black lung. Moreover it is contrary to the purported concern for people expounded by the Social Security Administration to reduce the benefit for a coal miner disabled by black lung by the amount paid by state workmen's compensation for a totally unrelated disability such as an above-the-knee double amputation."

The same statement is also applicable to the Social Security Administration reduction of black lung benefits by an amount equal to OASDI benefits paid for a separate disability. The passage of H.R. 43 would correct this defect.

The UMWA heartily endorses H.R. 5702. The passage of this amendment will rectify a serious inequity in P.L. 91–173. At present it is impossible for a coal miner with pulmonary impairment, regardless of the severity of the resultant disability, to receive black lung benefits unless his chest x-ray shows dust opacities thought to be characteristic of coal workers' pneumonoconiosis. This restriction unjustly penalizes many miners who are totally disabled because of a protracted occupational dust exposure. Moreover, the x-ray, good as it may be, should not be used as *the sole determining test* of an occupational pulmonary disability. The adequate interpretation of a chest x-ray requires an experienced, well trained and skilled radiologist. The chest x-ray, however, is only one piece of the medical armamentarium which the physician uses to arrive at a correct diagnosis. In this instance the physician must at least combine information from the x-ray with the results of pulmonary function tests and occupational and clinical history. Numerous physicians and miners have complained bitterly to me because the present law does not recognize the man who is totally disabled but has a negative chest x-ray. The passage of H.R. 5702 would recognize the total man and his disability which in turn would necessitate the development of adequate diagnostic criteria dependent on a number of factors.

While these hearings are concerned primarily with four proposed amendments, I am certain you share our concern about a number of other closely related health matters effecting P.L. 91–173 and its administration which should also be subjects for additional amendments. Again, I refer you to President Boyle's letter to Commissioner Ball (appendix B) wherein he reiterates his earlier denunciations of the administrative decision expressed in 410.555(a)(3) and 410.520 of the March 4, 1971 proposed rule making which condones the reduction of black lung benefits paid Pennsylvania miners and widows by an amount equal to state benefits which they are entitled to receive from general tax revenues. President Boyle's letter elaborates a little more on this matter but stresses the fact that it is an administrative decision in conflict with both the letter and intent of P.L. 91–173.

The same letter also voices the union's continuing opposition to the reduction of black lung benefit payments by the 1965 Social Security "offset provision." This has caused untold hardships among disabled miners who have suffered reductions of $50 to $200 per month in social security benefits.

A final item in that letter recommends that a wife or widow be qualified as a legal representative in the March 4, 1971 proposed rule making. In the absence of such a regulation the wife or widow is presently required to pursue the legal process of qualifying as legal representative. In such instances lawyers' fees may be as high as twenty-five percent of the total black lung benefits payable. Acceptance of this recommendation will prevent further diminution of the already meager resources of the wife or widow.

Another matter concerning the administration of black lung benefits is covered in President Boyle's letter of April 13, 1971 to Commissioner Ball, attached as appendix C. This letter urges the Bureau of Disability Insurance to adopt the same criteria for the diagnosis of black lung as the one formulated by the Bureau of Occupational Safety and Health published in the Federal Register of August 19, 1970. Contrary to the arguments presented by Social Security Administration, there is good reason to believe that the adoption of these criteria would hasten decision making on black lung applications and reconsideration of denials. The present dual system also raises unnecessary questions concerning the validity of two standards for the same diagnostic procedure within one federal department, particularly when one standard has acknowledged superiority over the other.

Finally, I must draw your attention to the apparent decimation of the Bureau of Occupational Safety and Health by the Secretary of Health, Education, and Welfare. On April 27, 1971 President Boyle sent a telegram and confirming letter to Secretary Richardson deploring his violation of the Occupational Safety and Health Act of 1970 and stressing the destructive effect his inaction would have on the Federal Coal Mine Health and Safety Act of 1969. This telegram is attached as

appendix D. The 1970 law requires the designation of a National Institute of Occupational Safety and Health on April 28, 1971. To date this pronouncement has not been made. On April 16, 1971 the Federal Register indicated the Bureau of Occupational Safety and Health was to have immediate and direct administrative responsibility to the Assistant Secretary for Health and Scientific Affairs. Contrary to this formulation, we understand it is planned to make the Bureau administratively responsible to the Assistant Secretary via the Surgeon General then the Director of Health Service and Mental Health Administration and possibly the Director of the Communicable Disease Center. This extraordinarily long chain of command for a Bureau charged with major responsibilities by both P.L. 91–173 and P.L. 91–596 would confirm suspicions that such laws are a sham and will never be enforced.

Organized labor, until recently, has given top priority to programs designed to provide medical security because of the preeminence given this need by the workers themselves. There is now sufficient public attention focused on this subject that it is safe to conclude we are not far removed from a national health program which, hopefully, will remove the financial barriers and provide a planned approach to comprehensive, readily accessible medical care.

Consequently, organized labor is able to direct its attention to the grisly toll of job-related death and disability. This is rapidly gaining acceptance as the next major health problem confronting the workers and they will not tolerate current administrative tinkering with bills designed to eliminate the needless slaughter on-the-job.

After nearly 18 months of operating experience with the federal coal mine act the UMWA feels that it is inconceivable that Secretary Richardson would even consider destroying both the letter and intent of P.L. 91–173. This experience has also convinced the union that the present director of the Bureau of Occupational Safety and Health has established himself as a thoroughly competent individual fully capable of assuming the responsibilities of the National Institute of Occupational Safety and Health and the implementation of the Occupational Safety and Health Act of 1970.

The nation's coal miners who fought so hard for the 1969 legislation have unsuccessfully petitioned Secretary Richardson not to subvert the National Institute or the 1969 and 1970 Acts. We now turn to Congress with a request to stop the impending chaos.

Thank you.

APPENDIX A

FORM FOR COAL MINERS AND WIDOWS TO FILE FOR "BLACK LUNG" BENEFITS

The form below was published in the January 15, 1970 issue of the UMW Journal to assist coal miners and widows in applying for Federal benefits under the Federal Coal Mine Health and Safety Act of 1969. To apply for benefits under the new law fill out this form. Take it to the nearest Social Security office or mail it as soon as possible. Any delay in filing could cause a loss of benefits. If you think you are eligible for benefits file this form. Payments will start as of the date you file, if it is determined that you are eligible. The law does not permit back payments earlier than the date you, yourself, file.

Name of the Coal Miner (Please print)___
Social Security Number_____
"I_____(Name of Miner or Widow—Please Print) hereby apply for any benefits due me (and my family) under the Federal Coal Mine Health and Safety Act of 1969."

Witnesses: If this statement has been signed by mark (X), two witnesses who know the person making this statement must sign below, giving their full addresses.

1. Signature_____
Address_____
2. Signature_____
Address_____
Signature of person making the statement:
Signature_____
Mailing Address (please print)_____
City, State, Zip Code.
Date, Telephone No.

[From the United Mine Workers Journal, February 1, 1970]

Q. AND A. ON "BLACK LUNG" COMPENSATION

EDITOR'S NOTE. The UMWA's Department of Occupational Health, headed by Dr. Lorin E. Kerr, has received hundreds of letters asking questions about the new Federal "Black Lung" compensation law. As of January 21, the Social Security Administration has received 60,000 applications for the Federal compensation under the new law. By the time you read this they expect to have over 70,000. Listed below are the questions most frequently received by the Department of Occupational Health. The answers are correct on the basis of the best information available at the present time.

1. Where should I file for black lung benefits?

Answer: At your nearest Social Security office. It is important to apply now, because benefits are effective only with the date of application. If you are unable to visit the office, write as soon as possible. The address can be found in the telephone directory or obtained from your post office.

2. How much will the benefits be?

Answer: For single miners, $136 per month; it goes up to $272 per month for a miner with three or more dependents.

3. How much money will I have to spend for medical reports to prove my claim?

Answer: You may not have to spend any since the evidence needed to support your claim may already be available. However, the law provides that claimants will be reimbursed for reasonable medical expenses incurred in establishing their claims.

4. Are benefits payable to widows?

Answer: Yes, *regardless* of when the miner died provided that he was disabled by or died from pneumoconiosis. Such a widow must not have remarried and must have been living with or dependent for support on the deceased miner at the time of his death, or, if living apart, it must have been for reasonable cause or because of miner's desertion. Once a miner starts drawing these benefits his widow will become entitled to benefits at his death, if she meets the other requirements. The widow will receive the basic monthly amount ($136) plus any allowance due for children up to the family maximum of $272.

5. How about payment to a wife or child?

Answer: There is no provision for direct payment to a wife or child, but if a wife or child qualifies as a dependent, this will result in a higher benefit rate payable to the disabled miner. (Benefits to a widow are also increased if she has dependent children.) The maximum family benefit is twice the basic benefit payable to a disabled miner (about $272 a month at the present time).

6. Is a miner who retired many years ago because of pneumoconiosis due to his employment in an underground coal mine eligible for benefits?

Answer: Yes, the law sets no time limit on when the disability must have begun. Similarly, if the miner is deceased it does not matter how long ago he died for his widow to qualify.

7. What coal miners are eligible?

Answer: Any individual who has worked underground or on the surface in preparing coal who has pneumoconiosis as prescribed by the law or is found by the Social Security Administration to be incapacitated by the disease to a degree that they are totally disabled. The criteria may not be more restrictive than those for determining entitlement to social security disability benefits.

8. What is pneumoconiosis?

Answer: The law defines pneumoconiosis as a "chronic dust disease of the lung arising out of employment in an underground coal mine."

9. Are other chronic dust diseases of the lung included in the law for purposes of "black lung benefits"?

Answer: Yes. A partial list of chronic dust diseases of the lung that may have arisen out of employment in an underground coal mine includes pneumoconiosis, anthracosilicosis and silicosis.

10. What benefits must be reduced because of entitlement to workmen's compensation, unemployment compensation, or disability insurance benefits under State law on account of disability of the miner?

Answer: Either miner's or widow's benefits but only if the workmen's compensation, unemployment compensation, or disability insurance benefit is on account of the disability of the miner.

11. If an individual becomes entitled to miner's black lung benefits, may he work without losing benefits?

Answer: A totally disabled miner beneficiary may earn up to $1,680 a year without any reduction in his black lung benefits. There is a $1.00 reduction in benefits for every $2.00 earned between $1,680 and $2,880, and a dollar-for-dollar reduction thereafter for earnings over $2,880. Work deductions do not apply to widows or dependents.

12. Should an individual also apply for State workmen's compensation benefits?

Answer: The law requires that you must also file a claim under the State workmen's compensation law unless you have already done so or the filing of such a claim would be futile because you would clearly not be eligible. Your Union District office can help answer this question for you on State workmen's compensation.

13. Should miners receiving state workmen's compensation benefits for "black lung" also apply for Social Security "black lung" benefits?

Answer: Yes.

[From the United Mine Workers Journal, Apr. 1, 1970]

NEW GOVERNMENT BLACK LUNG PAMPHLET

(EDITOR'S NOTE.—The Social Security Administration has published a pamphlet titled "The New Coal Miners Black Lung Benefits." It is printed in full below. Dr. Lorin E. Kerr, Director of the UMWA Department of Occupational Health, recommends that this be saved for future reference.)

If you are a coal miner disabled by black lung disease—

If you are the widow of a coal miner who had this disease—you may get monthly cash benefits.

MINERS

A miner who is disabled by black lung disease may be eligible for benefits even if he has been out of the mines many years.

WIDOWS

A widow of a coal miner may be eligible for benefits if her husband was disabled by or died from black lung disease. It does not matter how long ago he died.

APPLY NOW

If you think you may be eligible for these benefits and have not already applied, you should do so now. Even though payments cannot begin until a claim has been approved, benefits will be paid going back to the time of application. But no benefits can be paid for the time before you file your claim.

Apply at your nearest social security of-

fice. Phone or write the office if you can't visit in person. You can find the address of the office in the telephone directory under "Social Security Administration" or ask at your local post office.

The people at your Social Security office will help you with your application. There is no charge for this service. It is not necessary to have someone represent you when you apply for benefits—but it is your right to have a representative if you want.

The medical evidence needed to support your claim for black lung benefits may be available in existing records. You will be notified of any additional information or evidence you need to furnish. You will be reimbursed for any reasonable medical expenses you might have in establishing your claim.

AMOUNT OF BENEFITS

The benefits amount to about $136 a month for a miner or his widow. Payments are higher if there are dependents (wife or children), ranging up to about $272 a month for a family of four or more.

WHAT IS BLACK LUNG DISEASE?

Black lung disease is the commonly used name for coal workers' pneumoconiosis, a chronic lung disease caused by breathing dust in underground coal mines. Sometimes black lung disease is called miner's asthma, silicosis or anthracosilicosis.

WHAT IF I HAVE ALREADY APPLIED FOR SOCIAL SECURITY?

You should apply for black lung benefits even if you have filed for social security payments. You may be entitled to additional benefits.

If you think you are disabled by black lung disease, you should apply even though you have been turned down for social security disability benefits. The rules are different and you might qualify for black lung benefits even if you aren't eligible for social security disability payments.

REDUCTIONS IN BENEFITS

If a miner or his widow is getting workmen's compensation, unemployment compensation, or disability insurance benefits under state law, black lung benefits may be reduced in the amount being paid under those programs.

If a miner is getting social security disability benefits, under some circumstances there may be a reduction in these payments if a claim for black lung benefits is approved.

If a miner qualifies for black lung benefits but earns more than $1,680 a year, his benefit checks will be reduced (unless he is 72 or older). Benefits are reduced $1 for every $2 earned between $1,680 and $2,880. Benefits are further reduced by $1 for every $1 earned over $2,880. Earnings by a miner's wife or widow, or by dependent children, do not affect the benefit amount. The social security office can explain this in more detail.

HELP SPREAD THE WORD

If you know people who may be eligible for black lung benefits and have not yet applied, tell them about this new program. Suggest a visit to the nearest Social Security office. The people there will be glad to help in every way.

[From the United Mine Workers Journal, May 15, 1970]

U.S. BLACK LUNG BENEFIT REGULATIONS

EDITOR'S NOTE: On April 7 the Federal Register published regulations covering payments of black lung benefits under the new Federal Coal Mine Health and Safety Act. The text of these regulations is printed in full below:

[F.R. Doc. 70-4171; Filed, Apr. 6, 1970; 8:48 a.m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 10 added]

Part 410—Federal Coal Mine Health and Safety Act of 1969, Title IV—Black Lung Benefits (1969———)

Title IV, Part B of the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173, provides for payment of benefits to coal miners who have contracted pneumoconiosis from work in the Nation's underground coal mines and are disabled thereby, and to the widows of such miners. Section 411(b) of the Act provides that the Secretary of Health, Education, and Welfare shall by regulation prescribe standards for determining whether a miner is totally disabled due to pneumoconiosis and for determining whether the death of a miner was due to pneumoconiosis. There are, accordingly, promulgated below, Regulations No. 10 of the Social Security Administration, 20 CFR Part 410, which at the present time contain two subparts: Subpart A (Introduction, General Provisions, and Definitions) and Subpart D (Total Disability or Death Due to Pneumoconiosis).

Because of the provision in section 411(b) of the Act requiring that such standards be promulgated and published in the *Federal Register* not later than the end of the third month following the month in which title IV was enacted, the Secretary of Health, Education, and Welfare finds that notice of rule making and public procedure thereon are impracticable. Therefore, these regulations will be effective upon their filing with the Office of the Federal Register.

Consideration will be given, however, to any data, views, or arguments pertaining to said regulations for the purpose of suggesting modifications or additions thereto, which are submitted in writing in triplicate not later than May, 1970, with the Commissioner of Social Security, Department of Health, Education, and Welware Building, Fourth and Independence Avenue, S.W., Washington, D.C. 20201.

Subpart A—Introduction, General Provisions, and Definitions

Sec.

410.101 Introduction.

410.110 General definitions and use of terms.

Subpart D—Total Disability or Death Due to Pneumoconiosis

410.401 Basis for total disability standards.

410.402 Total disability defined.

410.403 Evaluating total disability under § 410.402(b).

410.404 Evidence of pneumoconiosis.

410.405 Determining medical equivalence.

410.406 Evidence of origin of pneumoconiosis.

410.407 Cessation of disability.

410.415 Death due to pneumoconiosis.

410.421 Provisions incorporated by reference.

AUTHORITY: The provisions of this Part 410 issued under secs. 402(f), 411(b) of Public Law 91-173; 83 Stat. 793.

Subpart A—Introduction, General Provisions, and Definitions

§ 410.101 Introduction.

The regulations in this Part 410 (Regulations No. 10 of the Social Security Administration), relate to the provisions of part B (Black Lung Benefits) of title IV of the Federal Coal Mine Health and Safety Act of 1969, as enacted December 30, 1969, and as may hereafter be amended. The regulations in this part are divided into the following subparts according to subject content:

(a) This Subpart A contains provisions relating to definitions and the use of terms.

(b) Subpart B of this part relates to the requirements for benefits, filing of claims for benefits, and duration of benefits.

(c) Subpart C of this part contains provisions regarding dependents of entitled miners and widows.

(d) Subpart D of this part provides standards for determining total disability and death due to pneumoconiosis.

(e) Subpart E of this part relates to the payment of benefits, benefit rates, adjustment of benefits, and overpayments and underpayments.

(f) Subpart F of this part relates to procedures for determinations and review of determinations with respect to benefits, and representation of parties.

§410.110 General definitions and use of terms.

For purposes of this part, except where the context clearly indicates otherwise, the following definitions apply:

(a) "The Act," means the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), as enacted December 30, 1969, and as may hereafter be amended.

(b) "Benefit" means the black lung benefit provided under part B of title IV of the Act to coal miners and to surviving widows of miners.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Social Security.

(e) "Administration" means the Social Security Administration in the Department of Health, Education, and Welfare.

(f) "Appeals Council" means the Appeals Council of the Bureau of Hearings and Appeals in the Social Security Administration or above the surface of such land by any person, used in, or to be Chairman.

[From the United Mine Workers Journal, Sept. 15, 1970]

IF TURNED DOWN FOR "BLACK LUNG" BENEFITS, HERE'S WHAT TO DO

EDITOR'S NOTE. The following information from the Department of Health, Education, and Welfare is for the information of all American coal miners. It concerns your right to question the decision made on any claim you may file or have filed for "black lung" benefits under the Federal Coal Mine Health and Safety Act of 1969. Read it carefully. If there are further questions you should get in touch with your local Social Security office and/or with the Rehabilitation Counselor in your UMWA District office.

WHAT TO DO

This article explains what you may do if you feel the decision on your claim under the Federal Coal Mine Health and Safety Act is not correct and you want to have the decision re-examined.

1. First you may ask that the decision be *reconsidered*.

2. You may next ask for a *hearing before a hearing examiner* if you disagree with the results of that reconsideration.

3. If you disagree with the decision of the hearing examiner, you may then ask for a review of that decision by the *Appeals Council*.

4. If you disagree with the Appeals Council decision or if the Appeals Council declines to review your case, you may bring a *civil action in a Federal court*.

WHAT ASKING FOR RECONSIDERATION MEANS TO YOU

When you apply for benefits under the provisions of the Federal Coal Mine Health and Safety Act, your application and the evidence submitted are given careful consideration. If the requirements for benefits are met,

your claim is approved. If it is determined that you do not meet the requirements of the Act, your claim is disallowed. The following steps may be taken if you feel that the decision made on your claim is not correct.

RECONSIDERATION OF YOUR CLAIM

A reconsideration is a complete review of your claim to determine whether the original decision was correct. It is a thorough examination of all the evidence submitted when the original decision was made plus any additional evidence which can be obtained. This review is made by persons other than those who made the original determination to insure that you receive a new and independent decision. The request must be filed within six months of the date the notice of initial determination is mailed. If you still disagree with the decision after the claim has been reconsidered, you may ask for a hearing before a hearing examiner.

HEARING BEFORE A HEARING EXAMINER

A hearing examiner is an officer of the Bureau of Hearings and Appeals of the Social Security Administration. He had no part in the initial or reconsidered determination. A hearing is usually held in the city where the Social Security office that handles your claim is located so that you may conveniently attend the hearing and present your case in person. At the hearing, the hearing examiner reviews what has gone before in the case, states exactly what issues must be decided, and asks questions of you and your witnesses present. All testimony is taken under oath. You and your representative may question the witnesses, present new evidence, and may examine the evidence on which the hearing examiner will base his decision.

If you prefer, you may request that the hearing examiner review the case without your personal appearance. In that event, the hearing examiner will base his decision on the evidence which was previously submitted in the case plus any additional evidence or statements which you submit. A request for a hearing must be filed within six months of the date the notice of the reconsidered determination is mailed.

A copy of the hearing examiner's written decision will be sent to you. If you disagree with this decision, you may request a review by the Appeals Council.

REVIEW OF THE HEARING EXAMINER'S DECISION BY THE APPEALS COUNCIL

Whether your request for a review of a hearing examiner's decision will be granted is up to the Appeals Council. If the Appeals Council decides to review the case, you have a right to appear and present new evidence before the Appeals Council and to file a written statement. A request for Appeals Council review must be filed within 60 days of the date that the hearing examiner's decision or dismissal of the hearing request is mailed. The Appeals Council meets in Washington, D.C. When the Appeals Council decides your case, a copy of the written decision is sent to you. If you feel that the decision is not correct or if the Appeals Council has declined to review the hearing examiner's decision, you may bring a suit in a Federal District Court.

HOW TO REQUEST A RECONSIDERATION, A HEARING, OR A REVIEW

A request for a reconsideration, a hearing, or an Appeals Council review must be in writing and filed with an office of the Social Security Administration. The request may be made by you or your representative. A special form for making the request may be obtained from your Social Security office. The people there will also be glad to assist in completing the forms. A request may also be made by letter.

TIME LIMITS

If you wish to question any decision made on your claim, there are, as mentioned before, specific time limits within which the request must be made:

Reconsideration—Your request must be made within six months of the date of mailing of the notice of the initial determination.

Hearing Before A Hearing Examiner—Your request must be made within six months of the date of mailing of the notice of reconsidered determination.

Appeals Council Review—Your request must be made within 60 days of the date of the mailing of the hearing examiner's decision or dismissal of the hearing request.

Court Action—Your complaint must be filed in a District Court of the United States within 60 days of the date of mailing of the notice of the Appeals Council's decision or denial of review.

When the last day of the period for requesting any of the actions falls on a nonworkday (Saturday, Sunday, or national holiday), the period is extended to the next full workday.

If you fail to request the appropriate review within the time specified, you may lose your right to that review and be ineligible to take advantage of the next step in the review process. However, for good cause, such time limits may be extended. Of course, a person does not have to go through all the review steps if he does not want to. For example, a person may have a reconsideration and decide not to ask for any further review.

RIGHT TO BE REPRESENTED

You have a right to be represented by a qualified person of your choice in dealing with the Social Security Administration at any stage of your claim for black lung benefits. You and your representative will receive notices of the decisions. Payment of any fee to your representative for his services before the Social Security Administration must be made by you. For further information about your right to have someone represent you, get in touch with your Social Security office.

WHERE TO GO FOR INFORMATION

If you have any questions about the decision made on your claim for benefits under the Federal Coal Mine Health and Safety Act, get in touch with your Social Security office. The people there will be glad to discuss your claim with you and assist you in any way they can. They will also be glad to discuss any social security matter with you.

[From the United Mine Workers Journal, Feb. 1, 1971]

"BLACK LUNG" BENEFITS DENIED? ASK FOR RECONSIDERATION

The UMWA's Department of Occupational Health is currently engaged in a series of meetings with UMWA rehabilitation counsellors and representatives of the Social Security Administration in coal areas looking toward ironing out difficulties encountered in administration of the Federal "black lung" benefits program.

Dr. Lorin E. Kerr, Department Director, reports that the meetings are very successful and are resulting in better understanding of the problems being encountered.

The *Journal* has reported that Social Security has processed more than 150,000 "black lung" claims for miners and widows. Benefits have been awarded to more than 90,000 applicants, including 35,000 widows.

SOME CLAIMS HAVE BEEN DENIED

Of course, as in any such program, there have been denials of claims. Many of these denials undoubtedly are not justified. The Department of Occupational Health recommends and urges all applicants for "black lung" benefits to request reconsideration of their claims if there have been denials.

It is simply not true that Social Security is systematically denying benefits or is using a "gimmick" to deprive applicants of benefits to which they may be entitled. We say this because some uninformed persons have made such charges and the charges have been published in coal area newspapers.

Our impression, having talked to Social Security representatives, is that every effort has been made and will be made to give applicants any and all benefits to which they are entitled under the law.

If for any reason you have been denied benefits to which you think you are entitled you should immediately request reconsideration. This should be done in person or by letter to your local Social Security office.

It is not necessary to employ an attorney to handle any of these matters. There is no evidence that any reconsideration review or appeal is hastened or a decision changed by the employment of an attorney by a coal miner or widow. The UMWA has designated a rehabilitation counsellor in every one of the UMWA District offices in the United States. The District offices are listed on the Official Roster page in each issue of the Journal. If you need help get in touch with the rehabilitation counsellor.

The Journal plans to report in more detail on the meetings between UMWA rehabilitation counsellors and Social Security representatives in a later issue.

UMWA REHABILITATION COUNSELLORS

Following are the names of the UMWA rehabilitation counsellors in the UMWA Districts in the United States. They are the men to whom applicants for Federal "black lung" benefits should present their problems if they have any questions about denials or other problems:

District No., Counsellor.
2, Bruno Telk.
3, Bruno B. Olmizzi.
4, Walter Suba.
5, John Wusels.
6, John Pollack.
8, James Procarione.
10, Sam Nicholls.
11, James Procarione.
12, Kenneth F. Wells.
14, Henry Allai.
15, Arthur Biggs.
17, Robert L. Hutcherson.
19, Kenneth R. Combs.
20, Samuel E. Littlefield.
21, Donald E. Lawley.
22, H. A. "Dell" Brownfield.
23, Lee Roy Patterson.
25, Daniel M. Kopcza.
27, Antoinette Boyle.
28, William F. Hogan.
29, Robert Forren and Charles H. Phillips.
30, Tom Raney.
31, William L. Marsh.

[Appendix B]

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., March 26, 1971.

Mr. ROBERT M. BALL,
Commissioner of Social Security,
Department of Health, Education, and Welfare,
Baltimore, Maryland

DEAR MR. BALL: In accordance with the proposed rule making published in the Federal Register on March 4, 1971 concerning black lung benefits, we submit the following comments:

1) There is no provision for benefits for dependent survivors other than widows. Failure of the Federal Coal Mine Health and Safety Act to provide for orphans is a serious deficiency and we strongly recommend that the Department of Health, Education, and

Welfare take action to have legislation introduced at an early date to rectify this grievous oversight.

2) The second sentence of 410.226 needs clarification. The sentence can easily be determined to mean the claimant can be paid benefits for the month of filing only if all of the requirements for entitlement are met in the same calendar month. It is my understanding that this is not the actual practice. Therefore, we urge you to change the wording to avoid possible contrary action at a later date.

3) There are three typographical errors in the printed text. Line 4 of 410.230 "field" should be "filed." Line 8 of 410.231(c) "edath" should be "death." Line 1 of 410.320 (c) "low" should be "law."

4) Section 410.515 states and section 410.520 delineates the reduction of black lung benefits upon receipt by a beneficiary of payments made "on account of any disability of the miner" by state workmen's compensation. We vigorously protest this administrative decision. There is nothing in the law to support your deduction of workmen's compensation payments for "any" disability. The context in which this is covered in the law clearly indicates that the disability under consideration is the one produced by black lung. Moreover, it is contrary to the purported "concern for people" expounded by the Social Security Administration to reduce the benefit for a coal miner disabled by black lung by the amount paid by state workmen's compensation for a totally unrelated disability such as an above-the-knee double amputation.

5) I reiterate my denunciation of the administrative decision as expressed in 410.515 (a)(3) and 410.520 which condones the reduction of black lung benefits paid Pennsylvania miners and widows by an amount equal to state benefits which they are entitled to receive from general tax revenues. The case for non-deduction of these state benefits is clearly set forth in the report of the Joint House-Senate Conference Committee on P.L. No. 91–173. As I have stated before, the law does not support this administrative decision. In fact, it is acknowledged by those familiar with the law and its legislative history that this is an inhuman misinterpretation of both the letter and intent of the law. We will continue to vigorously protest this decision until it is rescinded

6) The United Mine Workers of America again voices its opposition to the reduction of black lung benefit payments by the 1965 Social Security "offset" provision as proposed in 410.515(a)(1) and 410.530. This amendment with its 80% proviso sorely affects those with meager income. It has caused untold hardships among disabled miners who have suffered reductions of $50 to $200 per month in Social Security benefits. The union will continue its diligent efforts to have this section of the law repealed.

7) We recommend that a wife or widow as defined in 410.310 and 410.320 be qualified as a legal representative in 410.570(d). In the absence of such a regulation the wife or widow is required to pursue the legal process of qualifying as legal representative. My information is that lawyers' fees in such instances may be as high as 25% of the total black lung benefit payable. Acceptance of my recommendation will prevent further dimunition of the already meager resources of the wife or widow.

We share your concern over the need to provide each applicant adequate appeal procedures in the event of denial. However, we fear the administrative detail set forth in subpart F can serve as a subterfuge to delay further the final decision on many applications. Far too many victims of black lung are still waiting action on claims filed in 1970. We urge you to expedite these decisions.

Sincerely yours,

W. A. BOYLE.

[Appendix C]

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., April 13, 1971.

Mr. ROBERT M. BALL,
Commissioner of Social Security, Department of Health, Education, and Welfare, Baltimore, Md.

DEAR COMMISSIONER BALL: The Bureau of Disability Insurance has been utilizing criteria appearing in the regulations published in the Federal Register of April 7, 1970 for diagnosing coal workers' pneumoconiosis and assessing total disability produced by this disease.

The Bureau of Occupational Safety and Health published in the Federal Register of August 19, 1970 standards governing the chest x-ray program for working miners set forth in title II of Pub. L. 91–173. The U.S. Public Health Service in setting these standards sought the advice and assistance of all interested parties including appropriate professional and scientific organizations. As you know, the Public Health Service also sponsored and actively participated in an extensive training program designed to assist radiologists and chest physicians participating in the title II program. We are favorably impressed with the validity of the standards and the methods being utilized to implement them.

In view of the numerous problems BDI and, in turn, the miner is encountering among those making a diagnosis of black lung in accordance with the title IV regulations, we urge you to adopt the title II regulations at an early date.

It is my understanding that BDI has taken preliminary steps in this direction but we are puzzled by the inordinate delay in taking appropriate action. This is only compounding the number of denials for black lung benefits and retarding the decision making process. It is also raising unnecessary questions concerning the validity of having two standards for the same diagnostic procedure within one federal department, particularly when one standard has acknowledged superiority over the other.

May I have your early response.

Sincerely yours,

W. A. BOYLE.

[Appendix D]

APRIL 27, 1971.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

We understand you are contemplating placing the bureau of occupational safety and health within the administrative structure of the communicable disease center of the health services and mental health administration.

Such action would make it utterly impracticable for the bureau to comply with the authority and responsibility assigned by Congress with the passage of the Federal Coal Mine Health & Safety Act of 1969. It would hamper the bureau's efforts to comply with the congressional intent of the occupational safety and health act of 1970.

In accordance with the 1970 act, it is essential that on April 28, 1971 the bureau be designated by you as the institute of occupational safety and health. It is also essential that the institute have immediate and direct administrative responsibility to the assistant secretary of health and scientific affairs as stated in the Federal Register of April 16, 1971. This is the only way the institute can adequately protect the workers' health and safety on the job. Any act to subvert the institute for occupational safety and health or the 1969 and 1970 acts will bring condemnation from the nation's work force.

In view of the innumerable problems still confronting HEW in seeking enforcement and compliance with the health regulations of this Federal Coal Mine Health and Safety Act of 1969, it is inconceivable that you would even consider administrative action destroying both the letter and intent of the law. The nation's coal miners who fought so hard for this legislation implore you not to make this change.

W. A. BOYLE, *President,*
United Mine Workers of America.

ACCESS TO THE NATION'S CAPITAL

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, yesterday, June 16, Washington National Airport marked its 30th anniversary. And I think it appropriate that the anniversary remind us of something too often taken for granted.

Over the past few years the city of Washington has been in the news a great deal, usually with the emphasis upon a District of Columbia problem of one kind or another. It is a somewhat rare occasion when we focus on one of the District's strong points, when we turn our attention to its community assets.

One of the strongest assets of the Washington metropolitan area is its accessibility. Washington is one of the most accessible national capitals in the world. In any government where the people elect the chief executive and the legislators, easy access to the national capital is tremendously important. Such accessibility enables us to go frequently and quickly to the people in our districts. It enables the people to come conveniently to see their government in action here. It enables our constituents to have ready access to express viewpoints on important legislative matters.

A major reason for Washington's accessibility can be found in the area's airports system. Washington National Airport, now handling about 9½ million passengers a year, is the most important element of this system in terms of volume, convenience of location and for short-range and medium-range air trips.

At this particular time in the jet era most of the scheduled short-range and medium-range air service is provided by three types of aircraft—the 727, the 737, and the DC–9. These are the planes most frequently seen at Washington National Airport. And increasingly they are being seen without the smoke trail.

More than 5 years ago, long before the present level of concern about environmental pollution, the airlines began working with manufacturers on a new type of burner can to virtually eliminate the visible particulates from the engines powering the 727, the 737, and the DC–9. The experiment was successful. A retrofit is underway at a cost to the airlines of some $30 million. And soon the planes using Washington National will be virtually smoke-free.

Among all of the 530 airports in the United States served by the scheduled airlines, Washington National is the outstanding example of a highly productive close-in airport. A close-in airport has many advantages. But a heavily used close-in airport must constantly strive to curb congestion. Here the airlines serving Washington National deserve good marks.

In the past few years passenger facilities there have been vastly improved. Since 1967 the airlines serving Washington National have invested more than $15 million in new passenger facilities. This has increased the terminal capacity by some 60 percent. Public parking space has been increased by 37 percent.

Amid the swirl of seemingly larger events occupying official Washington, such things as more room for passengers and more parking space at the airport usually pass without notice. This is particularly true if such amenities are provided as needed and the airport continues to do its job well. But they are part and parcel of insuring continued easy access by a people to their government. And that, I submit, is a very big thing indeed.

From a personal standpoint, I have taken off from or landed at Washington National Airport 784 times on trips to or from my district in Columbus, Ohio. It is most convenient. The trip is usually 50 minutes in the air, and 10 minutes by car to the Capitol building. Although Dulles is a fine modern facility, it is ridiculous to expect air travelers to spend an hour or more riding into Washington from there. Until such time as we develop high-speed surface transportation, it would be impracticable, inconvenient, shortsighted and ridiculous to bow to the special interest groups, real estate promoters and developers. Washington National must continue to serve the needs of the District of Columbia as well as the public who have business in the Nation's Capital.

Those complaining about noise and air pollution are really using this as the excuse rather than the reason for urging discontinuance.

I trust Washington National Airport will be able to celebrate at least another 30 years of effective and efficient service to the public.

THE PACIFIC TROPICAL BOTANICAL GARDEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing legislation, cosponsored by my distinguished colleague from Hawaii, the Honorable SPARK M. MATSUNAGA, to amend the charter for the Pacific Tropical Botanical Garden, to remove the limitation as to the maximum number of persons who may serve on the board of trustees.

The garden, located in Hawaii, was chartered by Congress by the act of August 19, 1964, Public Law 88–449. Its purposes, as set forth in the act, are as follows:

To establish, develop, operate, and maintain for the benefit of the people of the United States an educational and scientific center in the form of a tropical botanical garden or gardens, together with such facilities as libraries, herbaria, laboratories, and museums which are appropriate and necessary for encouraging and conducting research in basic and applied tropical botany;

To foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicines, and other sciences;

To disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany;

To collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; and

To provide a beneficial facility which will contribute to the education, instruction, and recreation of the people of the United States.

The garden has made steady progress toward carrying out these objectives. In view of the comprehensive nature of the stated objectives, it has been necessary to proceed through a period of organization and preparation which will enable the corporation to fully carry out the purposes of the act. Perhaps the most important principle developed during the planning phase of the first 5 years of the garden was that a 20th century garden could best be developed on a number of smaller sites and on the different islands of the State of Hawaii as they offered varying ecological environments.

Year 1970 marked a turning point in the progress of the garden, as it moved from planning to developmental activity. During the year the staff concentrated on preparing the garden's land in the Lawai Valley, on the Garden Island of Kauai, for its use as a scientific botanical garden. Some initial plantings were made, including native Hawaiian flora, medicinial plants in general, and the beginnings of a complete collection of hibiscus species and hybrids. A broad program of plantings in many genera was scheduled for this year.

In 1970, too, the Garden acquired additional Kauai acreage to form the nucleus of a botanical garden. As the corporation implements its operational program for the second 5 years, I am confident that we can look forward to great achievements in the establishment of sites on other islands and expansion of the planting and cultivation.

The increase in activity has brought a need for expansion of the membership of the board of directors, and that is the reason for my bill. Congress chartered the garden as a nonprofit corporation, and envisioned that it would be established and operated through private gifts and endowment without the need for appropriation or expenditure of Federal funds. Section 5(a) of the charter limits the size of the board to 15 members. The trustees and officers of the organization are of the view that this limitation should be removed.

In line with the purposes set forth in the act, the garden has the unique role of establishing for the people of the United States an educational and scientific center in tropical botany. In order to achieve the national goals of the corporation, it has been the practice of the board to include representatives on the board from as many sections of the country as possible, from the Northeast, mid-Atlantic, South, Southeast, Midwest, Northwest, Hawaii, and others. The board members have also recognized the need to have a diversity of interests and talents represented on the board: botany, horticulture, agriculture, education, medicine, drug manufacturing, philanthropy, industry, fund raising, and administration, among others.

When Congress chartered the corporation in 1964, it named only five persons to be the original trustees of the garden. These five and those whom they appointed to join them have carefully expanded the board over the past 7 years. By mid-1969, the board had been increased to 10 members. There were 14 in May 1971, and it was expected that during 1971 the 15th member would be elected to the board.

There are presently representatives on the board from the mid-Atlantic States, the District of Columbia, the Midwest, California, the Southwest, and Hawaii. If suitable trustees can be found in other sections of the country, the board would like to be able to add them. There are presently on the board a representative or representatives of the medical profession, the industrial community, the education community, garden clubs, and other nonprofit institutions. The board feels that when outstanding leaders in various of the disciplines previously mentioned related to effectuating the objects and purposes of the garden become available, that there should be the opportunity to add such persons to the board. A system of rotation of trustees has been adopted, but the system alone will not provide the flexibility required.

In view of the great need for adoption of this legislation to permit the organization to more effectively carry out its functions, I certainly hope that my bill will be promptly adopted.

CUBAN-AMERICAN VETERANS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Veterans of Foreign Wars recently created their first Cuban-American Post in Miami and the featured speaker was the distinguished Latin American news editor of television station WTVJ, Dr. Manolo Reyes.

I include Dr. Reyes' remarks in the RECORD so that my colleagues in the House may know of the contributions of Cuban-born men to our Armed Forces:

SPEECH BY DR. MANOLO REYES

A man without a country, but with ideals, is a brilliant star with its own light.

A human conglomeration which flees from oppression and tyranny is an example and a warning. But, it is also a symbol of love, because freedom was never born out of hate.

In the past, God took his chosen people from their country to return them to the promised land later, after a given time. We shall say that in this century, God took a group of Cubans to the desert to make them a reserve. Today we are contemplating the reassurance of the statement just made.

Twenty-four men born in Cuba and one born in the United States of Cuban parents—twenty-five men who have shone and do shine wearing the proud uniforms of the United States Armed Forces (the country which gave its close friendship to Cuba)—these men united to form the Cuban-American Post of the Veterans of Foreign Wars.

Using the opportunities which this great country has given to them, these twenty-five Cubans have united to look towards the future and act according to situations that arise.

We must say, that they have not only used the opportunities given them, but have gained the right to use them, with the light of their own ideals, which leads them straight on to combat International Communism, with their arms in hand, in Viet Nam or in Santa Domingo or in the eternal shores of Giron Beach.

Twenty-five men whom I consider heroes in the fight for freedom—the supreme expression of human dignity. Freedom is not bought—nor is it begged. Freedom is born of our ideals, brave men and with force of combat.

Freedom cannot be taken for granted. Each generation has its duty to achieve, maintain and preserve freedom. If a generation is born without freedom . . . it has the duty to earn it.

The twenty-five Cubans that are here today to form the first Cuban-American Post of Veterans of Foreign Wars are the symbol of a generation fighting for freedom.

To achieve this, the hands of these twenty-five brave men still have the smell of gun powder. However, for them the chapters they have lived are only a prologue of what is yet to come. The real chapter of their lives will be written with luminous letters in blood and gold in the final realization of Cuba's freedom.

For years they have been preparing. They have learned the art of war, and its more sophisticated methods. They have scaled to positions of honor. In exile honors are only half-received . . . in exile a being only half-breathes. The mother of us all is far away from us . . . the country that gave us everything is now in great pain. And because of these things, it is only right that we give her all we have.

Over there . . . Cuba . . . awaits her freedom!

There is an old American saying that reads, "Behind each great man there is a great woman." In the present case, we can say that behind this Cuban-American Post, there is a great woman.

With these words, and in the name of all my fellow Cubans, I wish to render respect and tribute, admiration and thanks to the great lady of the United States, Mrs. Anne Gennessee.

Mrs. Gennessee is the wife of Mr. Joseph Gennessee, Commander in Chief of the South Florida District of the VFW. In rendering tribute to these two American citizens, I am expressing the traditional Cuban-American friendship.

Now, my message to you, the brave Cubans who with your magnificent acts in the battle fronts of Viet Nam, fighting against International Communism . . . you have placed the name of Cuba on a very high scale.

Humanity is living a crucial moment. The principles which have allowed us to reach these moments look as though they are about to break. Our morals are constantly under attack from the forces of evil.

You, who are the military know that the corner stone of good order is respect, not only for the military, but also for society in general. Precisely, today people are trying to destroy respect and to end the principle of authority. Without respect there is no authority, and without respect or authority, there is no hierarchy of values. This is what International Communism is trying to do with their offensive ideology. The same International Communism you battled in the jungles of Viet Nam.

But, in keeping and cultivating the basic principles of God, country and family; by establishing the principles of law as a boundary which no man can infringe upon; and, by defending the sacred right of the people to freely choose those who govern them . . . we can overcome those who, with aggression, try to create chaos. Only in the confusion of anarchy can minorities seize power, as what did happen to our beloved country. Only in being loyal to ones ideals, even without a country, can one be a star with light of its own. Stars that can light the way to a free Cuba . . . on and off the captive island.

To go to ones country and to break the yoke of oppression . . . should be the greatest desire of all exiled Cubans. And for that supreme moment, when it comes . . . when the bullets of redemption sing their freedom gospel . . . I have brought something for you. Something that is the greatest symbol we have. Something that has the face of no leader but synthesizes in it the labor of all those who have fought for the freedom of Cuba. . . . The Cuban flag.

This Cuban-American Post of the Veterans of Foreign Wars carries the name of our great patriot "Jose Marti". God willing, may the gesture of these honorable men reach his tomb.

However, to make this more real, I am giving this beloved Cuban flag to this Post of gallant military men with the ferverent desire, converted into a solemn promise . . . that this flag which represents the country which Jose Marti fought for and gave his life for . . . will wave forever over his tomb at the Cemetery of Santa Efigenia in Santiago de Cuba.

And with all our hands united, we will help raise it over the new Cuba . . . over a free Cuba.

Gentlemen: Let us prove that God took a group of Cubans to a desert to form a reserve.

A NEEDLESS TRAGEDY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we have regrettably witnessed our first airborne hijacking tragedy—the death of a passenger who heroically attempted to disarm a hijacker holding a stewardess as hostage.

There is every reason to believe that this incident never should have happened, Mr. Speaker.

For many, many months now I have been urging the Federal Aviation Agency to get the various airport authorities and the airlines together on an agreement to install sensitive magnetic detecting devices at all the major airports of this country. To so equip each gate, I have been informed by those who manufacture the devices, would cost less than $2 million, a minute sum to an industry that spends billions of dollars.

I have been told that the disagreement between the airlines and the airports is a matter of principle, Mr. Speaker, as to who should bear the cost of installing the devices and training the personnel to use them. One man has died for this principle, for this needless quibbling.

There is pending before the Congress my bill, H.R. 3992, which has been joined by 43 other Members of this body, to provide the funds necessary to install these sensing devices at all major airport gates in the country.

The tragedy of a few days ago should tell us that it is no longer a matter of saving passengers the inconvenience of an unscheduled stop. It has now become a matter of saving lives of passengers whose fate may someday be sealed by the demented mind of an aircraft hijacker.

I do not mean to imply that electronic devices should be the only front on which we move to minimize the risk of skyjacking.

Another equally important matter, now before the Senate, concerns ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague last year.

I wish to call to the attention of my colleagues the excellent and forceful testimony of John J. O'Donnell, president of the Airline Pilots Association, delivered before the Senate Foreign Relations Committee on June 7.

In addition to supporting ratification of the agreement, President O'Donnell makes a strong case for preventive deterrent measures on the ground and, in a supplementary statement submitted June 16, for bilateral treaties with those nations that are not signatories to the convention.

Mr. Speaker, I am inserting President O'Donnell's statement at this point in the RECORD:

STATEMENT BY J. J. O'DONNELL

Mr. Chairman: I am John J. O'Donnell, President of the Air Line Pilots Association. In this capacity, I represent more than 31,000 pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 airlines.

I am grateful for the opportunity to appear before your committee bcause it gives the Association the opportunity to go on record in support of the immediate ratification of the Convention for the Suppression of Unlawful Seizure of Aircraft, which was signed at The Hague last December.

As President Nixon said, the Convention will be an important step in the development of international law and practice and we uphold the administration's stand on this great issue. From the standpoint of the flight crews who are literally in the front lines in the war against hijacking, the ratification of the Convention by the signatory nations is absolutely essential if lives and property are to have any measure of protection. The Convention, however, is only one of the actions that this nation and all nations must take if lives and property are to be saved from acts of aerial piracy.

The Air Line Pilots Association strongly urges that ways and means be found to bring *all* hijackers to the bar of justice wherever found and make them subject to severe punishment for any act which endangers the safety and well-being of airline passengers and crews. We wish to point out that the Convention, while an excellent, forward-moving document, would legally apply only to those nations who are members of the International Civil Aviation Organization. It would not necessarily be honored by nonparticipating nations.

Therefore, we urge in the strongest possible terms that the United States enter into bilateral agreements with other nations not members of the International Civil Aviation Organization. It is only through this means that *all* hijackers will be susceptible to punishment and thus present a psychological deterrent that may substantially lower the number of planes being diverted by this type of criminal.

Tht most recent hijacking, when a Pan American World Airways plane was diverted to Cuba, is a significant case in point. For the 66th time, American passengers, crew and planes were forced to land there because

a single individual threatened to harm or murder innocent people in order to get his way. It was the first time, however, that the passengers and crew were held incommunicado and detained for such a long time.

It is the feeling of flight crews that it is only a matter of time before an aircraft being hijacked to Cuba is either destroyed in flight, or mid-air collision will occur because the crew's attention is diverted or an accident will take place because of below standard airport conditions in Cuba. Therefore, it is especially imperative that the United States enter into a bilateral agreement with Cuba as one important means to deter diversion of American planes to that country.

The Association also wishes to go on record before your committee as firmly believing that the best way to stop hijacking is to prevent the crime from happening in the first place. Prevention is always better than apprehension—especially if apprehension is attempted by a shoot-out at 30,000 feet. Airline crews want more diligence and attention paid to security measures on the ground. We want airport security plans that will affirm who has jurisdiction, who will search the baggage and how bomb scares and hijacking attempts will be handled. In short, we want deterrence through prevention—before the crime, not after.

Therefore, we view the Convention agreement—although vital to the best interests of the traveling public of the world—as only one of the many essential measures that must be taken by our Government to make air piracy as rare as piracy at sea. It must *not* be considered the final answer to the air hijacking problem. However, we urge its endorsement at the earliest possible moment and hope that your committee will use its influence to pursue ways and means to get non-signatory nations to comply with its provisions.

Thank you for allowing us to have this day with this important Committee. We want you and the American public to know that we stand ready to assist in any way possible to prevent the dastardly crime of airliner hijacking that still occurs with frightening frequency and we expect the passage of this Treaty.

SUPPLEMENTARY STATEMENT OF JOHN J. O'DONNELL BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT

Mr. Chairman: I appreciate this opportunity to submit a supplementary statement for the record after hearing the statements by representatives of the Departments of State and Transportation.

Perhaps it is the sign of our times but the statements of both these representatives seemed to infer that the ratification of the Convention by the countries represented at the Hague last December would solve the hijacking problem.

Mr. Beggs, Undersecretary for the Department of Transportation, even suggested two more conventions be written and ratified. He also advocated that "we do not wish to compel courts to apply the penalty of a minimum sentence of 20 years in the case of hijackers where special equities may be present."

Mr. Chairman, it is this attitude of molly-coddling of criminals that has placed the pilots of the nation's air transports in the dangerous position they are in today. Every time a commercial airliner takes off, the pilot and crew never know when some passenger will attempt to divert the plane to some unplanned destination. The destination for most hijacking attempts of U.S. planes has been Cuba—66 of them have been successful. Cuba is not a signatory to the Hague Convention. For all we know, Mr. Castro only interns them briefly and then puts them to work in the cane fields. He extracts anywhere from $5,000 to $10,000 in landing fees and ground handling costs from the airline. Therefore, he profits nicely each time a hijacked airliner lands in his country.

Last weekend, a new chapter began in the sordid history of air piracy. A Trans World Airlines jet was commandeered in Chicago by an individual who demanded that he be taken to North Vietnam. He had boarded without a boarding pass and seized a stewardess. He shot and killed a passenger. The plane was flown to New York and an aerial gunfight took place enroute. The hijacker was wounded and subsequently captured.

Mr. Chairman, this hijacking had the dubious honor of achieving three aviation "firsts." It marked the first time that an innocent passenger has been killed, the first time there has been a high altitude shoot-out on an American plane and the first time that a hijacker demanded passage to North Vietnam.

Now, Mr. Chairman, suppose for a moment that the hijacker had gotten his way and the crew had to try to fly to North Vietnam. Whether we want to admit it or not, we are at war with North Vietnam. A safe arrival in North Vietnam of a U.S. aircraft is doubtful.

It so happens that North Vietnam is not a signatory to the Hague Convention, either. Our State Department is not in direct contact with that country. It is conceivable that nothing could have been done to alert the North Vietnamese that a defenseless airliner was headed their way or that they would have honored its senseless mission.

So, it is the feeling of the 43,000 flight crew members I represent that these conventions, while necessary and probably helpful, do not solve the problem. Neither does it help for a government official to announce that we are in favor of lesser penalties for the crime of air piracy, and that the courts "be allowed to consider motivation and other special circumstances." What this means is that a slap on the wrist will be the eventual penalty for a crime that is potentially mass murder.

In your questioning of one of the government witnesses, you asked about the penalties for a passenger who hijacks an airliner from an Iron Curtain country to the United States and seeks asylum here. We do not believe the penalties should be any less for that individual just because he is escaping from some brand of political oppression to the Free World. The act is a crime because it endangers the lives of innocent people. It should be treated as a crime in the courts. It is only in this manner that we can expect hijackers from our country to be subject to swift and severe punishment *also*.

Again, I reiterate that we think the Hague Convention should be ratified. However, we want to see bilateral treaties with those nations that are not signatories and we are in no measure in favor of lesser penalties for hijacking.

Thank you, Mr. Chairman, for this opportunity to add a few words to my testimony of June 7. The members of our Association are available to do whatever we can for our country to help combat the serious hijacking situation. In light of the tragic events of last weekend, it is obvious that the threat is just as great as ever.

EDUCATION APPROPRIATIONS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, there is tragic irony in the fact that on the same day that the House is considering a bill—the Military Procurement Authorization bill for fiscal year 1972—which provides $21.88 billion for the Pentagon, conferees are also appointed to consider the Office of Education Appropriations bill, which, as the House passed it, provides less than one-fourth as much for education—$4.8 billion. If we need any object lesson of the misplaced priorities of this Nation, we certainly have it today.

The House conferees should be urged to accept the Senate version of the Office of Education Appropriations bill. The Senate version of the bill provides an appropriation of $5.5 billion—$808 million in excess of the House version.

Every aspect of the Senate-passed version of the bill demands the House's acceptance. The House bill provides $1.5 billion for title I of the Elementary and Secondary Education Act. The Senate-passed version provides an additional $150 million. Title I is the most important educational assault on the disadvantages of the poor and deprived. Its purpose is to alleviate educational deficiencies resulting from an impoverished environment and inadequate cultural, health, social and education experiences.

An excerpt from the recently published study by the Committee for Economic Development, entitled "Education for the Urban Disadvantaged," very clearly states the need for these funds:

> While the American schools have generally provided middle and upper income youth with the intellectual tools necessary for sucess in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they have simply swept disadvantaged youth under the educational rug.

The House-passed version of the Office of Education fiscal year 1972 appropriations bill appropriated $528 million for grants and work-study programs under title IV of the Higher Education Act of 1965. Again, these are enormously important programs, and that is why the Senate-passed version of the bill, providing $708,800,000 more adequately meets the need. This sum means that 654,000 students will be able to participate in, and benefit from, the college work-study program, as compared to the 430,000 students in the current academic year.

In total, the Senate-passed version of the appropriations bill provides $1.2 billion for student assistance programs. This is enormously important. This assistance—and there should be much more—is essential in order that no American youth be denied the opportunity to obtain a higher education.

In terms of adult education, the Senate-passed bill provides $90 million—$35 million in excess of the House-passed version. I know, from the experience of many of my own constitutents, how important adult education is. It provides the opportunity for men and women to compensate for the disadvantages of their youth by achieving the education they were denied. It gives them a chance for increased self-dignity and self-improvement. It provides them the entrance to better jobs.

I am also particularly pleased to see that the Senate-passed version of the Office of Education appropriations bill includes $60 million to provide payments to school districts for children who reside in public housing.

This $60 million will provide much needed relief to urban school districts by providing some compensation for loss of local tax revenues resulting from public housing projects rendering the land on which they are located tax exempt.

The Senate bill also provides $50 million for bilingual education. This is absolutely essential. It is $27 million in excess of the amount provided by the House bill. Even at that, it is still $50 million below the authorized amount of $100 million.

Bilingual education funds must be obtained. In my own congressional district, applications to the Office of Education for these funds have been denied because the Congress has not appropriated enough money. And yet this program is a primary vehicle—the primary vehicle—for giving children for whom English is not their chief language an opportunity to preserve their mother tongue, while at the same time developing a fluency in English.

These children—the intended beneficiaries of bilingual education programs—come from a vibrant and live cultural heritage. In my district, most of these children come from homes in which Spanish is spoken. That is their mother tongue; it is the bond which keeps their traditions and their cultures alive. And it is imperative that these traditions and this culture be sustained and nurtured.

At the same time, it is essential that these youngsters have the opportunity to develop a proficiency in English, which is the dominant language in this country. Without that proficiency, they may well be doomed to being locked out of the mainstream of our higher educational system and of our job market.

Bilingual education aims at enhancing "the self-image and sense of dignity of families that speak other languages," as Theodore Andersson and Mildred Boyer have written in "Bilingual Schooling in the United States." It also aims, as this study states, at "helping to harmonize various ethnic elements in a community into a mutually respectful and creative pluralistic society." These aims can only have the most beneficial of results.

For all of these reasons, then, the Senate-passed version of the Office of Education fiscal year 1972 appropriations bill more nearly recognizes and meets the needs of the children and adults of America. I urge the House conferees to accept this version.

NARCOTICS TRAFFIC AND DRUG ADDICTION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, President Nixon has finally taken positive steps to organize national resources in action against illegal narcotic traffic and drug addiction, and I have made known to him that he has my support in taking this step. At this point it is not clear whether existing agencies will be properly used or what the extent of the powers of the new director will be, and those areas will have to be carefully examined, but the general direction is commendable.

From my reading of the President's message to the Congress, it appears that he has again given his endorsement to the principal procedures set forth in my bill, "The Armed Forces Drug Abuse Control Act of 1971," which I filed on May 10, and which is cosponsored by more than 50 House Members on a bipartisan basis. In his request for legislation to permit retaining narcotic addicts in the military service beyond their normal discharge date, the President has, in fact, asked for the prompt enactment of a major phase of my bill. I agree with the President that illegal narcotic addiction "afflicts both the body and soul of America and that if we cannot destroy the drug menace in America, it will surely destroy us."

It may be a costly operation, but we must resign ourselves to substantial expenditures to establish educational and rehabilitative processes in each branch of the Armed Services. We must also provide immediate assistance not only to those servicemen who are addicted to drugs and who are awaiting discharge, but also to those who became addicts while in service and have been discharged under conditions other than honorable as a result of drug addiction.

There have been many proposals for action based on the urgency of the drug problem. Neither the Armed Services nor the Veterans' Administration presently has the authority, the funds, the personnel, or the facilities to cope with the situation. I have strongly recommended action in these fields and I am gratified that the President, with his action today, has provided leadership which will contribute to making our proposal a reality and provide the means of dealing effectively with this exploding and heartbreaking national problem. I am pleased also that the President has recommended international sanctions against foreign nations which fail to cooperate in efforts to choke off the narcotics traffic. I have supported the use of such sanctions in connection with the provision of aid under our foreign assistance legislation. It is not clear from the message exactly what sanctions the President has in mind, and once again, this proposal will have to be clarified in the immediate future, but he is to be congratulated for taking the right road in seeking regulation of this virulent foreign import.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENNIS (at the request of Mr. GERALD R. FORD), for Friday, June 18 and Monday, June 21, 1971, on account of official business.

Mr. MOSS (at the request of Mr. KLUCZYNSKI), from 4 p.m. today through Tuesday, June 22, on account of official business.

Mr. SEIBERLING, for Friday, June 18 and Monday, June 21, 1971 on account of official business attending Immigration Law Institute and hearings of Immigration and Nationality Subcommittee in Los Angeles.

Mr. RODINO, for Monday, June 21, 1971, attending meetings of Subcommittee on Immigration and Nationality in Los Angeles, Calif.

Mr. SAYLOR, for Friday, June 18 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SEBELIUS) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER for 5 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

Mr. DEVINE, for 5 minutes, today.

(The following Members (at the request of Mr. LINK) to revise and extend his remarks and include extraneous material:)

Mr. RODINO, for 10 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. ROONEY of Pennsylvania, for 30 minutes, today.

Mr. FLOOD, for 30 minutes, today.

Mr. KEE, for 15 minutes, today.

Mr. RARICK, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HARVEY and to include extraneous material during general debate today on the bill H.R. 8687.

Mr. MADDEN.

Mr. BENNETT to include extraneous matter in remarks made in Committee of the Whole today.

Mr. VANIK.

Mr. CORMAN, to extend his remarks following the remarks of Mr. O'NEILL today.

Mr. DAVIS of Georgia, to extend his remarks following the remarks of Mr. DOWNING today.

Mr. HARVEY, to extend his remarks following the remarks of Mr. MCDADE today.

Mr. DELLUMS, to revise and extend his remarks today.

Mr. LEGGETT to include extraneous matter in his remarks today on the bill.

Mr. RANDALL to revise and extend his remarks prior to the request of Mr. FINDLEY for tellers with clerks.

Mr. MONAGAN to revise and extend his remarks during debate in Committee of the Whole on Nedzi-Whalen amendment.

Mr. SNYDER to revise and extend his remarks during debate on Nedzi-Whalen amendment and include extraneous matter.

Mr. RANDALL immediately following the motion to table the motion to instruct the conferees on the conference report on the Office of Education today.

(The following Members (at the request of Mr. SEBELIUS) and to include extraneous matter:)

Mr. GUDE in two instances.

Mr. KEITH.

Mr. DUNCAN in two instances.

Mr. MORSE in two instances.
Mr. WYMAN in two instances.
Mr. CEDERBERG.
Mr. MILLER of Ohio in two instances.
Mr. STEIGER of Arizona.
Mr. MYERS.
Mr. SCHWENGEL in two instances.
Mr. HOSMER in two instances.
Mr. PETTIS.
Mr. CONTE in two instances.
Mr. SCHMITZ in three instances.
Mr. FORSYTHE.
Mr. PRICE of Texas.
Mr. WIGGINS.
Mr. DERWINSKI.
Mr. ROBISON of New York.
Mr. ASHBROOK in three instances.
Mr. DEVINE.
Mrs. DWYER in three instances.
Mr. KEMP in two instances.
Mr. KEATING.
Mr. GOLDWATER.
Mr. LATTA.
Mr. RUTH in five instances.
Mr. CARTER in five instances.
Mr. DICKINSON.
Mr. BELL.
Mr. MCCLORY.
Mr. SANDMAN.

(The following Members (at the request of Mr. LINK) and to include extraneous material:)

Mr. BRASCO in two instances.
Mr. RODINO in two instances.
Mr. BADILLO in three instances.
Mr. EVINS of Tennessee.
Mrs. CHISHOLM.
Mrs. ABZUG in 10 instances.
Mr. FRASER in three instances.
Mr. DINGELL in three instances.
Mr. MINISH in three instances.
Mr. ROSENTHAL in five instances.
Mr. CARNEY.
Mr. JACOBS in two instances.
Mr. YATRON.
Mr. BEGICH in three instances.
Mr. PICKLE in three instances.
Mr. DANIELS of New Jersey.
Mr. SYMINGTON.
Mr. HARRINGTON in two instances.
Mr. HUNGATE in two instances.
Mr. CAREY of New York in four instances.
Mr. GALLAGHER.
Mr. DOWNING in two instances.
Mr. GALIFIANAKIS in two instances.
Mr. EILBERG.
Mr. RARICK in three instances.
Mr. BRINKLEY in two instances.
Mr. DULSKI in six instances.
Mr. ZABLOCKI in three instances.
Mrs. HICKS of Massachusetts in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, June 18, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

865. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 48th and 49th Annual Reports of the Board of Actuaries of the Civil Service Retirement System, covering fiscal years 1968 and 1969, pursuant to 5 U.S.C. 8347(f) (H. Doc. No. 92–132); to the Committee on Post Office and Civil Service and ordered to be printed.

866. A letter from the Secretary of Transportation, transmitting a report of an Anti-Deficiency Act violation by the Federal Aviation Administration, pursuant to 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

867. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize certain naval vessel loans, and for other purposes; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

868. A letter from the Comptroller General of the United States, transmitting a report on opportunities for improving the neighborhood health services program for the poor administered by St. Luke's Hospital Center in New York City, Office of Economic Opportunity; to the Committee on Government Operations.

869. A letter from the Comptroller General of the United States, transmitting a report on controls needed over the leasing of land acquired under the open-space-land program, Department of Housing and Urban Development; to the Committee on Government Operations.

870. A letter from the Comptroller General of the United States, transmitting a report on progress being made and difficulties being encountered by credit unions serving low-income persons, Office of Economic Opportunity; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 6247. A bill to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for 5 years; with an amendment (Rept. No. 92–282). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9098. A bill to extend and amend certain provisions of the Child Nutrition Act and of the National School Lunch Act (Rept. No. 92–283). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Michigan:

H.R. 9221. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 9222. A bill to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; to the Committee on the Judiciary.

By Mr. CELLER (for himself and Mr. POFF):

H.R. 9223. A bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization; to the Committee on the Judiciary.

By Mr. CONTE (for himself, Mr. HORTON, Mr. HOWARD, Mr. JACOBS, Mr. KEITH, Mr. MCKINNEY, Mr. MACDONALD of Massachusetts, Mr. MATSUNAGA, Mr. MITCHELL, Mr. MORSE, Mr. O'NEILL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. RUPPE, Mr. ST GERMAIN, Mr. STAFFORD, Mr. STEELE, Mr. TIERNAN, Mr. VANIK, Mr. BIAGGI, and Mr. STOKES):

H.R. 9224. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. DEVINE:

H.R. 9225. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FRASER:

H.R. 9226. A bill to make permanent the temporary provision for disregarding income of old-age, survivors, and disability insurance and railroad retirement recipients in determining their need for public assistance, and to reflect in such provision the social security benefit increases enacted in March 1971; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho (for himself and Mr. ALEXANDER):

H.R. 9227. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself, Mr. ASPIN, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BOLAND, Mr. BURKE of Massachusetts, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. COTTER, Mr. DONOHUE, Mr. DRINAN, Mr. DULSKI, Mr. EDWARDS of California, Mr. FRELINGHUYSEN, Mrs. GRASSO, Mr. HALPERN, Mr. HAWKINS, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, and Mrs. HICKS of Massachusetts):

H.R. 9228. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. LENNON (for himself, Mr. GARMATZ, Mr. DOWNING, Mr. GRIFFIN, Mr. ANDERSON of California, Mr. MOSHER, Mr. KEITH, and Mr. DU PONT):

H.R. 9229. A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. HAWKINS, Mr. ROUSH, Mr. DERWINSKI, Mr. JONES of North Carolina, Mr. CELLER, Mr. GARMATZ, Mr. EDWARDS of California, Mrs. HICKS of Massachusetts, Mr. WALDIE, Mr. DANIEL of Virginia, Mr. FLYNT, Mr. FRASER, Mr. HENDERSON, Mr. MCDADE, Mr. BURKE of Massachusetts,

Mr. CHARLES H. WILSON, Mr. HATHAWAY, Mr. ADDABBO, Mr. RODINO, Mr. ALEXANDER, Mr. DANIELS of New Jersey, Mr. YATRON, Mr. KING, and Mr. BRAY):

H.R. 9230. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, and for other purposes; to the Committee on Armed Services.

By Mr. PEPPER (for himself, Mr. DANIELS of New Jersey, Mr. MEEDS, Mr. SEIBERLING, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mrs. ABZUG, Mr. NICHOLS, Mr. BARRETT, Mr. COTTER, Mr. HARRINGTON, Mr. MCKEVITT, Mr. MORSE, Mr. VEYSEY, Mr. CLEVELAND, Mr. CLANCY, Mr. ANDERSON of Illinois, Mr. MATHIAS of California, Mr. FORSYTHE, Mr. LUJAN, Mr. MINSHALL, Mr. WYATT, Mr. FRENZEL, and Mr. HANNA):

H.R. 9231. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. SYMINGTON, Mr. BYRNE of Pennsylvania, Mrs. HICKS of Massachusetts, Mr. REES, Mr. SCHEUER, Mr. GARMATZ, Mr. DANIEL of Virginia, Mr. EDWARDS of California, Mr. FULTON of Tennessee, Mr. SARBANES, Mr. PODELL, Mr. ASHLEY, Mr. ANDERSON of Tennessee, Mr. MOSS, Mr. STOKES, Mr. HAWKINS, Mr. NEDZI, Mr. ARCHER, Mr. CARNEY, Mr. MCDONALD of Michigan, Mr. WOLFF, Mr. WILLIAMS, Mr. UDALL, and Mr. DENHOLM):

H.R. 9232. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. WALDIE, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WIGGINS, Mr. STEIGER of Arizona, Mr. WINN, Mr. KEATING, Mr. CHARLES H. WILSON, Mr. VIGORITO, Mr. HOWARD, Mr. BADILLO, Mr. MATSUNAGA, Mr. GONZALEZ, Mr. RYAN, Mr. MAZZOLI, Mr. ROSTENKOWSKI, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. MILLER of California, Mr. ANDERSON of California, Mr. DANIELSON, and Mr. ROSENTHAL):

H.R. 9233. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HENDERSON, Mr. VAN DEERLIN, and Mr. YATRON):

H.R. 9234. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER:

H.R. 9235. A bill to extend to hawks and owls the protection now accorded to bald and golden eagles; to the Committee on Merchant Marine and Fisheries.

By Mr. RONCALIO:

H.R. 9236. A bill to reimburse the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyo., for tribal funds that were expended to benefit only individuals in the construction, operation and maintenance of the Wind River irrigation project; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER:

H.R. 9237. A bill to amend title VII of the Public Health Service Act to provide increased manpower for the health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9238. A bill to amend title VIII of the Public Health Service Act to provide for training increased numbers of nurses; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS (for himself, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, Mr. COLLINS of Texas, Mr. ESHLEMAN, Mr. JOHNSON of Pennsylvania, Mr. PRICE of Texas, Mr. ROUSSELOT, Mr. SANDMAN, Mr. SAYLOR, Mr. WHALLEY, and Mr. WARE):

H.R. 9239. A bill to amend the Social Security Act to terminate the AFDC program except for those families who not only qualify on the basis of need but whose members are actually unable (with or without training or other assistance) to provide for their own support, and to furnish the necessary training, rehabilitation, child care, and other services and assistance, particularly on-the-job training and public service employment, to make possible the removal of all employable individuals and their families from the AFDC program, with the objective of placing such individuals in employment in the private sector of the economy with the cooperation of business and government; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 9240. A bill to preserve, stabilize, and reactivate the domestic gold mining industry on public, Indian, and other lands within the United States, and to increase the domestic production of gold to provide the requirements of industry, national defense, and other nonmonetary uses of gold; to the Committee on Interior and Insular Affairs.

H.R. 9241. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 9242. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 9243. A bill to amend the act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

By Mr. CONTE (for himself and Mr. WYMAN):

H.R. 9244. A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 9245. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. DUNCAN:

H.R. 9246. A bill to extend for an additional year the existing program for payment of black lung benefits; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. MAZZOLI):

H.R. 9247. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. FULTON of Tennessee (for himself, Mr. STUCKEY, Mr. HAMMERSCHMIDT, and Mr. WINN):

H.R. 9248. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 9249. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. KYROS:

H.R. 9250. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

By Mr. LLOYD (for himself and Mr. MCKAY):

H.R. 9251. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. ABOUREZK, Mrs. ABZUG, Mr. ANNUNZIO, Mr. ASPIN, Mr. BARING, Mr. BEVILL, Mr. BURTON, Mrs. CHISHOLM, Mr. DANIELS of New Jersey, Mr. DULSKI, Mr. DUNCAN, Mr. FOLEY, Mr. HALPERN, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. MITCHELL, Mr. PREYER of North Carolina, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. CARNEY, Mr. SARBANES, Mr. WATTS, and Mr. WINN):

H.R. 9252. A bill to establish a Juvenile Research Institute and Training Center; to the Committee on the Judiciary.

By Mr. SCHWENGEL (for himself, Mr. BAKER, and Mr. CAFFERY):

H.R. 9253. A bill to authorize the Secretary of the Army to investigate, plan, and construct projects for the control of streambank erosion; to the Committee on Public Works.

By Mr. STEELE (for himself, Mr. MURPHY of Illinois, Mr. ANDERSON of Illinois, Mrs. CHISHOLM, Mr. DU PONT, Mrs. DWYER, and Mr. JAMES V. STANTON):

H.R. 9254. A bill to provide comprehensive treatment for servicemen and veterans who suffer from abuse of, or dependency on, narcotic drugs, and for other purposes; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 9255. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

By Mr. BRAY:

H.J. Res. 722. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. CARTER (for himself, Mr. ANDERSON of Illinois, Mr. BOLAND, Mr. BRADEMAS, Mr. BUCHANAN, Mrs. CHISHOLM, Mr. COLLIER, Mr. COLLINS of Illinois, Mr. DENHOLM, Mr. DERWINSKI, Mr. FISHER, Mr. FORSYTHE, Mr. GRIFFIN, Mr. GUDE, Mr. HALPERN, Mr. HARVEY, Mr. HASTINGS, Mr. HORTON, Mr. KEMP, Mr. KUYKENDALL, Mr. LANDGREBE, Mr. MCCORMACK, Mr. MAZZOLI, Mr. MORSE, and Mr. PODELL):

H.J. Res. 723. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. CARTER (for himself, Mr. PREYER of North Carolina, Mr. RHODES, Mr. ROBINSON of Virginia, Mr. ROSENTHAL, Mr. STAFFORD, Mr. STEELE, Mr. VIGORITO, Mr. WARE, Mr. WINN, and Mr. MORGAN):

H.J. Res. 724. Joint resolution to authorize the President to proclaim the month of January of each year as "National Volunteer Blood Donor Month"; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 725. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. FREY:

H.J. Res. 726. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day"; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.J. Res. 727. Joint resolution authorizing the President to proclaim the period September 26 through October 2, 1971, as "National Home Fashions Week"; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H. Con. Res. 340. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RARICK:

H. Con. Res. 341. Concurrent resolution relative to placing of human right violations, including genocide in the Soviet-occupied Latvia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. WYLIE:

H. Res. 485. Resolution declaring that the House rejects the findings and recommendations of the Commission on Obscenity and Pornography; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 9256. A bill for the relief of Kyong Ok Goodwin (nee Won); to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H. Res. 486. Resolution to refer the bill (H.R. 9217) entitled "A bill for the relief of James A. Boyajian" to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

REPORTS ON CLEARCUTTING ISSUE IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. RANDOLPH. Mr. President, the issue of clearcutting on our national forest lands is increasingly receiving greater attention through interested citizenry.

This practice which denudes the land and, in many cases, renders the land unfit for regeneration was begun on the Monongahela National Forest in West Virginia with the introduction of a new management in 1964—even-aged management. Citizens residing near the forest have been "up in arms" ever since as well as conservation organizations and professional foresters.

The Forest Service is well aware of the concerns of those opposed to clearcutting and it is fair to say that the Forest Service has made some minor concessions.

With regard to West Virginia, the controversy could be brought to an end if recommendations five and six of the West Virginia Forest Management Practices Commission were followed. They read as follows:

To implement the multiple use, sustained yield policy in national forests in West Virginia, we recommend that both uneven-aged and even-aged forest management be employed to manage the timber resource but with the greater emphasis placed on uneven-aged management. We believe full multiple use and sustained yield of all resources cannot be accomplished if even-aged management is used as the basic timber management system throughout the national forests.

As the main silvicultural technique to implement uneven-aged management, we recommend that the selection cutting system be used; that it be the primary and basic silvicultural technique used to manage the timber resource in national forests in West Virginia; and that it be the normal silvicultural technique employed where it can feasibly and logically be used to accomplish the regeneration and harvest of the timber resource.

Chief Edward P. Cliff, in testimony before the Senate Subcommittee on Public Lands with regard to the Monongahela National Forest stated:

We used the even-aged system of management for the general forest areas there since 1964 based on research and experience in hardwood management in the eastern United States and in other countries.

Mr. President, as I noted earlier, the Forest Service has made some changes. However, I question how valid or extensive its research has been after I saw practiced on steep slopes, over wide areas and so close together I was not able to distinguish two cuts were actually present.

Ralph O. Smoot, a highly respected forester and a University of Michigan graduate, toured portions of the Monongahela with Burt Schoor, a staff reporter for the Wall Street Journal. Smoot spent 31 years with the Forest Service and was ranger on the Gauley Ranger District of the Monongahela. He also presented excellent testimony before the Senate subcommittee hearing.

Mr. President, I ask unanimous consent to have the article from the June 4 issue of the Wall Street Journal printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREST SERVICE SMARTS UNDER CRITICS' CLAIM IT HAS ALLOWED DAMAGE TO PUBLIC TIMBERLANDS

(By Burt Schorr)

CAMDEN ON GAULEY, W. Va.—The government's green-clad foresters have changed from white hats to black hats.

In growing numbers, conservationists, sportsmen, members of Congress and plain old nature-lovers are lashing the U.S. Forest Service. The foresters, say their critics, have allowed timber companies to cut too many trees in the national forests at the expense of recreation, wildlife development, watershed protection and natural beauty.

Ardent preservationists have been leveling such charges for years, but now criticism is also coming from members of the close-knit forestry establishment like Ralph O. Smoot whose opinions may carry much more weight.

Mr. Smoot, a past chairman of the West Virginia chapter of the Society of American Foresters, served for 31 years in the Forest Service himself, 10 of them near here in the Monongahela National Forest. He's convinced that his former government colleagues have been too permissive.

To prove his point, Mr. Smoot, whose home at Camden on Gauley overlooks the forest, guides a visitor along the dirt road that skirts the base of Black Mountain here. Off to the south, the Williams River rushes almost unseen behind a thick stand of sugar maples, basswood, ash and beech trees. On the opposite side of the road, though, the eye is affronted by a broad 50-acre swathe of cutover land stretching bleakly to a treeless skyline.

MORE THAN BEAUTY

Stepping nimbly between the dry limbs and toppled small trunks that litter the four-year-old cut, forester Smoot looks closely for signs of new tree growth. His verdict: "Other than (undesirable) beech-stump sprouts, reproduction is absent." Mr. Smoot theorizes that the slope may be too sunbaked because of its southern exposure. "If the cut had been only a half-acre across (and therefore shadier), it would have been filled with understory in a year's time," he adds.

There's more than natural beauty at stake in such stock-taking by Mr. Smoot and other Forest Service gadflies. The 97 million acres of commercial timber in the national forests yield 40% of U.S. timber production. And last year a Nixon task force recommended that to meet home construction needs the forests' timber output should be expanded 55% by 1978.

Wounded by allegations of lax stewardship, however, Forest Service officials are in the midst of timber management reforms that raise doubts about reaching that production goal. The foresters now are limiting the size of areas to be cut over, requiring greater distances between cuts and banning cutting on steep slopes. "Our whole problem has been letting the timber industry exert too much pressure," concedes one of the younger ad-

ministrators whom Forest Service Chief Edward P. Cliff has moved into policy posts in the past few years.

HIGHER LUMBER PRICES AHEAD?

The reform moves are already biting into timber output. The national forests' timber sales are now trailing slightly behind the level projected for the fiscal year ending June 30, and some of the service's top administrators expect a wider lag of about 10% in the coming year. Upward pressure on lumber prices could result.

The present forest furor centers on a practice known as clearcutting: leveling every tree in a track selected for timber harvesting. While government foresters have prescribed clearcutting for a half-century or longer, it was mostly applied to Douglas fir stands in the Northwest. Then, in 1964 when demand for government timber was surging, the Forest Service made it standard procedure in every one of its 154 forests. (The cut pointed out by Mr. Smoot here is one reflection of the 1964 directive.)

Clearcutting is defended by Chief Cliff and his staff as the most efficient way to harvest mature, over-age and diseased trees as well as to assure speedier regeneration of desirable species by allowing in maximum sunlight and moisture. The alternative of selective cutting, or gradual removal of only mature trees in a stand, has been deemphasized in recent years; the agency's research showed it limited replacement growth to less desirable, shade-tolerant species including balsam, and beech.

Many clearcutting opponents don't wholly disagree with Mr. Cliff, but they charge that government foresters have badly misused the technique. Leon S. Minckler, a former Forest Service researcher now on the faculty of the Syracuse University College of Forestry, believes such misuse has been widespread in Eastern hardwood areas.

SIDE EFFECTS CITED

"Clearcutting is an immediate esthetic disaster and full recovery is slow," Mr. Minckler recently told a U.S. Senate subcommittee. "Unless great care is taken, debris can clog streams, erosion can occur on the watershed, and stream-water temperature can be excessively increased. Furthermore, clearcutting excludes recreation from larger areas of land and tends to produce relatively uniform forests lacking the diversity needed for a good mix of wildlife."

Mr. Minckler even challenges the necessity of clearcutting to help establish the more valuable, shade-intolerant species like ash, cherry, oak and tulip poplar. "My research has shown clearly that this can be done by group selection or by cutting small patches," he testified.

Dissent of this sort prompted the West Virginia legislature to create a special investigating commission that last August recommended rather severe constraints on clearcutting in the Monongahela National Forest.

Even more embarrassing to the Forest Service was a University of Montana study of its administration of the Bitterroot National Forest astride the Montana-Idaho line. Headed by Arnold W. Bolle, the university's respected dean of forestry, the study group found that "quality timber management and harvest practices are missing."

Photographs with the report showed hillsides denuded by large clearcuts and gouged with deeply bulldozed terraces that resembled the aftermath of strip mining. The terraces were intended to prevent erosion and foster new growth, but sometimes they hurt more than they helped, the Bitterroot study concluded.

In April the Senate subcommittee that heard from Mr. Minckler also heard from more than 60 other witnesses, and most were critical of the way the Forest Service has been running things. The strong turnout has prompted subcommittee Chairman Frank Church, an Idaho Democrat, to plan a series of field hearings, including sessions in Syracuse, N.Y., and Portland, Ore.

One bill before the subcommittee offered by Wyoming Democrat Gale McGee, calls for a two-year moratorium on clearcutting and a reexamination of its effect on forests. The moratorium idea, which grew out of Wyoming conservationists' complaints that Medicine Bow, Brigder and Shoshone national forests in their state are being overcut, isn't given much of a chance. But it has attracted 14 co-sponsors and considerable public interest.

"People write us that for the first time they're noticing the practices in the forests near them and they don't like what they see," says a McGee aide.

The unaccustomed role of black hat has prompted some painful self-analysis by the proud and somewhat stiff-necked forester corps. As a result, a series of new orders has gone out from its Washington headquarters.

Emergency Directive No. 6 dated Sept. 16, 1970, for example, declares that "quality of work will not be sacrificed to achieve quantitative goals"—meaning that maximum timber output should not take priority over other national forest uses. A more recent memorandum covering the Bitteroot National Forest, though it authorizes continued clearcutting, imposes many restrictions, including an outright ban on cutting on slopes steeper than 27 degrees.

TWICE AS LONG, TWICE AS MUCH

There are signs of change in this West Virginia forest, too. At the Gauley Ranger District office near the town of Richwood, Monongahela Supervisor Frederick (Tony) Dorrell pores over a map of Glade Run, a 1,396-acre tract nestled between popular Cranberry River campgrounds. The map shows only four patches—the largest 23 acres and the total equaling 6% of the tract's acreage—marked for clearcutting. (Following a recommendation of the state investigating commission, the Forest Service has agreed to a 25-acre limit for clearcuts as the usual practice for the Monongahela.)

Hefting a thick analysis by wildlife, recreation and other experts on how to protect the nontimber uses of Glade Run, Mr. Dorrell observes: "It's taking us twice as long and costing us twice as much to prepare timber sales as before."

Skeptics like the conservationist Sierra Club's forester, Gordon Robinson, doubt that the Forest Service really has changed its basic timber management concepts. "They're hiring landscape architects, but that's like the military hiring chaplains," Mr. Robinson snorts. Government foresters themselves concede they have become most cautious about timber-cutting in forests like the Monongahela where public protest has been loudest; elsewhere they are bolder.

In the George Washington National Forest of Virginia just east of the Monongahela, a visitor finds scenes of clearcutting exceeding any seen here. Although citizens living close to the George Washington now have gathered more than 300 signatures on anticlearcutting petitions, the controversy there remains fairly quiet. And that's one of the reasons why clearcuts in the Virginia forest are generally permitted to stretch up to 50 acres in area, or twice the Monongahela's limit.

One thing the Forest Service and its critics can agree on is that the nation wouldn't be facing a recreation-vs.-lumber dilemma now if the agency's past budgets had received more sympathetic handling from Presidential budget officers. Lack of funds, both sides say, has prevented reforestation of 3.8 million acres of brushlands within the national forests plus thinning and other methods that would speed young timber growth on another seven million acres.

A committee of forest-industry representatives and conservation organizations recently recommended that a start on "high-level management" of the government forests, employing landscape architects and recreation specialists, would require $552 million in the coming fiscal year; that's $141 million more than the foresters were able to wheedle in President Nixon's budget request. The House Appropriations Committee is expected to vote some of the extra money, but how much isn't certain.

According to a draft program for the 1970s now under Forest Service consideration, however, the total cost of meeting the timber requirements envisioned by the Nixon task force is reckoned at a staggering $13 billion to $16 billion. This sum would cover a greatly expanded federal-state effort to plant trees on 22 million acres of non-federal forest land and research to develop less destructive timber harvest methods, possibly using helicopters.

STATEHOOD FOR NEW YORK CITY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 1971

Mrs. ABZUG. Mr. Speaker, in the past few weeks a movement to make New York City a State has been gaining momentum and enthusiastic support from residents of the city. When I announced formation of a committee for statehood in the wake of the State legislature's vendetta against our city and its needs, I had anticipated a favorable response, but I must say that I was astonished by the depth and breadth of support it elicited.

The phones have been ringing steadily in my New York office, with literally thousands of New Yorkers volunteering to circulate petitions to put this question on the November ballot. Among those expressing support are Representatives WILLIAM F. RYAN, SHIRLEY CHISHOLM, and JOSEPH ADDABBO, Borough Presidents Robert Abrams, Percy Sutton, and Sebastian Leone, members of the State senate, State Assembly, New York City Council, city commissioners, and representatives of community organizations, labor, educational and religious institutions, and many, many individuals.

This response was touched off by the recently adjourned session of the New York Legislature, which the New York Times in an editorial June 9 called "a sick, mean-spirited, heart-breaking session." The legislature, dominated by representatives from nonurban areas, ordered a 10-percent cut in welfare payments, approved an unconstitutional 1-year residency requirement for welfare, adopted a regressive sales tax increase—(New York City residents now pay a 7-cents sales tax), and as a final insult, passed a vacancy rent decontrolled bill for 1.3 million apartments while extending rent control to suburban areas like Westchester County.

Residents of New York City are rebelling not only against the punitive economics measures directed against them by the State legislature, but against a master-slave relationship in which the city is at the mercy of upstaters who decree how the city shall be run. New

York City provides more than half of the State's taxes and has half the State's population, but it has been shut out of political power.

New Yorkers are determined to have control over their own city. We are still discussing whether our move should be confined to the current borders of the city or whether it should also encompass the suburbs that are economic satellites of the city, but this is a question that can be settled by the people directly involved. At long last, however, we are bringing to the attention of the Nation the need to bring our political structures into harmony with political reality.

The vast majority of Americans live in cities, but are still under the domination of governmental units devised by our Founding Fathers who were rural in outlook and origin. As we approach the 200th anniversary of Nation's birth, it is time to recognize that America's people and strength are concentrated in the great metropolitan areas and they must have a considerably stronger and more independent role in Government.

The material follows:

STATEMENT BY CONGRESSWOMAN BELLA S. ABZUG, JUNE 1, 1971

Governor Rockefeller and his state legislature have disfranchised and disinherited the 8 million people of New York City.

Because of an outmoded political relationship, New Yorkers have stood by helplessly while a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city.

For residents of New York City, this session of the legislature—and it is still going on—has been a disaster. It has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs, and topped it all by ordering what amounts to the end of rental control or 1.3 million families—the only protection they have against raging inflation.

It is time for the city of New York and its elected officers to stop begging for what is rightfully ours. It is time for us to repudiate this humiliating relationship and to take the necessary steps to make New York City a State.

Let us put certain facts in perspective.

New York City is the only city in the entire nation which has half of its state's population, that contributes more than half of the state's income, that has an educational system, police force and fire department as large as the rest of the state combined, and that has a budget larger than that of the state.

There are 43 existing states with populations smaller than New York City's. Thus, if NYC were admitted to statehood, it would rank seventh among all the states in the Union.

NYC's current budget is $7.8 billion, but it sends more than $11.9 billion to the U.S. government and $2.7 billion to the state. For every $1 that NYC gives to the federal government, it gets back only 12.6¢. For every $1 it gives to the state, it gets back 66¢. It gives more and more, even as its own needs and expenses grow.

Statehood for New York City would provide benefits that far outweigh any drawbacks. For example:

If NYC retained all the taxes it now pays to the state, it would have a net gain of almost $1 billion.

It would have complete taxing authority. It would not have to seek permission from Albany to tax commuters, who are now virtually free loading on our city, and it could work out a more equitable tax system that would not penalize the poor, small property owners and working people.

It would get a direct and larger share of federal revenues.

It would gain two U.S. Senators and strengthen the city's Congressional delegation in Washingon.

Perhaps most important, it would help bring the political structure of our nation closer to the realities of American life. Most Americans live in cities, but they are ruled by a Congress and state legislatures that are dominated by men from small towns and rural areas. Urban America is where the people are. It's where the crises are. It's where the solutions to the problems that are convulsing our nation must be found.

Accordingly, together with other elected officials, some of whom are present here today and others of whom have expressed their support, I am announcing the start of a citywide petition campaign for a referendum to be placed on the November ballot. This will give residents of NYC an opportunity to say Yes or No to statehood for our city.

Simultaneously, those of us here and our supporters will be joining with representative people from throughout our city to set up a broadly based committee to work out the mechanism for calling a convention to write a constitution for our new State and to gain the necessary approval.

New York is the richest city in our nation. It is rich not only in money and resources, but in the diversity and cultural heritages of its people, in educational achievement, intellect, technology and extraordinary talent.

But we are told that our city no longer works.

We believe it can work—but only if the 8 million people who live here are freed from colonial bondage to the state, free to enjoy the wealth they create, free to develop a system of genuinely democratic government that meets their economic, social and cultural needs.

Statehood for New York City is an idea whose time has come. The time is *now*.

BELLA ABZUG PROPOSES PROGRAM LEADING TO STATEHOOD FOR CITY

NEW YORK, June 1.—Bella Abzug announced today a two-part program to "set in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state."

Speaking at a news conference in her district office (252 Seventh Avenue), the Congresswoman from Manhattan's 19th C.D. proposed:

A city-wide referendum in November, 1971 in which the people of New York will vote on a proposition to petition Congress for admission to the union as a new state, in accordance with Article IV of the federal constitution;

The formation of a special planning committee to report on the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971. The committee would be selected by an ad hoc group composed of city elected officials—congressional representatives, state legislators, borough presidents, councilmen and district leaders—plus union, business and community leaders.

Following the approval of the proposition in the referendum, Rep. Abzug explained, the constitution resulting from the convention would be offered to the people for adoption. Consent from the state would then be sought and Congress petitioned for admission.

Mrs. Abzug pointed out that, armed with the referendum vote and the constitution, the people would be in a position to exert strong pressure on the legislature and the Congress.

"A principal advantage of this plan," said the Congresswoman, "is that it would offer the people of our city their first opportunity to register their stand clearly on a simple question: Do they want New York City to become a state?

"From all indications I have received from my district and from the contact I've had with other elected officials concerning their constituencies, there is every likelihood that the proposition will win strong approval in a referendum. After a long history of arrogant mistreatment by the Governor and the legislature, the patience of the people in this city reached a breaking point during the current Albany session. That point was passed when cruel budget cuts decimating vitally needed services were followed by legislation cynically dooming rent control in the city while retaining it upstate".

To implement her proposed plan, Mrs. Abzug announced that under the auspices and direction of the Committee to Establish New York City as a State, a group she is forming, petitions would soon be circulated to place the statehood proposition on the November ballot.

She also said that she is in contact with more than 250 elected officials and other leaders and is requesting them to meet as soon as possible to select a convention planning committee.

Mrs. Abzug reported that, although only announced this past holiday weekend, the Committee to Establish New York as a State was receiving fast growing support.

She said she had been in touch with the City Administration which looked favorably on the movement and encouraged her efforts.

"The committee," she said, "is intended to be as broad-based and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and independents, conservatives as well as liberals and—perhaps most important of all—large numbers of individual private citizens as well as public officials and community leaders.

"So today we are appealing to all those who wish to join this campaign for a better New York to join us. We intend to set up soon a separate committee headquarters but, in the meantime, those interested may contact my office. 252 Seventh Avenue, New York, N.Y. 10001. Tel: 924–5604.

Among those who have agreed to join the Committee to make New York City a State are:

Chairwoman: Congresswoman Bella S. Abzug, Congressman Joseph Addabbo, Mr. William Haddad, Congresswoman Shirley Chisholm, Congressman William F. Ryan

Borough Presidents: Robert Abrams, Bronx; Sebastian Leone, Brooklyn; Percy Sutton, Manhattan.

City Council: Carter Burden, Eldon Clingan, Monroe Cohen, Rudoph Di Blasi, Al Frankenberg, David Friedland, Bertram Gelfand, Carol Greitzer, Kenneth Haber, Arthur Katzman, Donald R. Manes, Thomas Manton, Mario Merola, Robert Postel, Aileen Ryan, Barry Salmon, Leonard Scholnick, Saul Sharison, Theodore Silverman, Charles Taylor, Theodore Weiss.

State Senators: Abraham Bernstein, Jack Bronston, Joseph L. Galiber, Robert Garcia, A. Frederick Meyerson, Manfred Ohrenstein, Waldaba Stewart.

State Assemblymen: Albert Blumenthal, George Cincotta, Arthur Cooperman, Louis DeSalvio, Anthony DiFalco, Stanley Fink, Richard Gottfried, Stephen Gottlief, Burton G. Hecht, Alan Hochberg, G. Oliver Koppell, Harry Kraf, Franz Leichter, Joseph Martuscello, Michael McCarthy, Melvin Miller, Peter G. Mirto, Armondo Montano, Anthony Olivieri, William F. Passannante, Herbert Posner, Manuel Ramos, Frank Rossetti, Leonard Silverman, Leonard Simon, Mark Southall, Anthony J. Stella, Andrew

Stein, Stanley Steingut, John S. Walsh, Samuel Wright, Calvin Williams.

John Burns, Chairman, N.Y. State Democratic Party; Patrick Cunningham, Bronx County Leader; Meade Esposito, Brooklyn County Leader; Arnold Feinblatt, Chairman, Queens County N.D.C.; Jerry Finkelstein, Chairman, N.Y.C. Democratic Committee; Sarah Kovner, Vice-Chairman, New Democratic Coalition; J. Stanley Shaw, Chairman, Liberal Party Queens.

Democratic District Leaders: Humberto Aponte, Ellen Atkin, Frank Baroff, Helayne Baron, Simon Barsky, Patricia Beckert, Martin Begun, Henry Berger, Meriam Bockman, Jeff Brand, Arthur Brook, Joan Fernstertock, David Friedland, Barbara Gelobter, Sheldon Glass, Robert Ginsberg, Len Gruber, Ray Gunther, Judy Harlan, Steve Jarema, Ernst Koller, John LoCircero, Joseph Mercurio, Jeanne Miles, Kenneth Mills, Maria Montalvo, Jerry Nadler, Martha Overall, Julia Paz, Corinne Pettey, Alex Rosenberg, Alice Sachs, Ralph Sherman, Arlene Stringer, Jerome Tarnoff, Barbara Taub, Saul Weprin, Paula Weiss.

New York City Commissioners: Benjamin Altman, Rent and Housing Maintenance; Amalia V. Betanzoo, Relocation and Management Services; Mr. Kretchmer, Environmental Protection Agency; Eleanor Holmes Norton, Human Rights Commission; Major R. Owens, Community Development Agency; Bess Meyerson, Consumer Affairs; Marvin Gersten, Comm. of Purchase.

State Committee: Natalie Gordon, Jane Miriam Friedlander.

Eugene S. Callender, President, N.Y. Urban Coalition; Judy Graham, Social Services Director, N.E.N.A.; Jerome Kolker, Manager, N.Y.C Manpower Career Development Agency; Stella Kramer, Knickerbocker Tenants; Jose Morales, Chairman, LOGOS, Inc.

Labor: Leon J. Davis, President, Local 1199, Drug and Hospital Workers; Steve D'Inzillo, Business Representative, Local 306, Motion Picture Machine Operators; Henry Foner, President, Joint Board of Fur, Leather and Machine Workers Union; Moe Foner, Executive Secretary, Local 1199, Drug and Hospital Workers; Stanley Hill, President, Social Service Employees Union, Local 371; Robert Lewis, Counsel, United Electrical Radio and Machine Workers of America; David Livingston, President, District 65 ALA National Council Distributors Workers of America; Sam Meyer, President, Local 259, UAW; William Michaelson, President, United Store Workers; Felicio de Novellis, Manager, Joint Council No. 13 United Shoe Workers of America; Mac Sherman, President, Local 239, International Brotherhood of Teamsters; Sol Silverman, President, Local 140, Bedding, Curtain and Drapery Workers Union; William Nuchow, Secretary-Treasurer, Local 840, Brotherhood of Teamsters; William Michaelson, President, United Store Workers Union, Member, Hospital Corp. of New York.

Dr. William Birenbaum, President, Staten Island Community College; Bruce Buckley, Editor, Chelsea Clinton News; Jimmy Breslin, Joan K. Davidson, Marion Forer, Assistant Professor, Adelphi University; Frank Griffin, Publisher, Home Reporter (Brooklyn); John Guare, Jack Gilford, Madeleine Gilford, Sheldon Harnick, Joseph Heller, Dorothy Pittman Hughes, Chairman, Committee for Community Controlled Day Care; Saul Levitt, Burton Lane, Norman Mailer, Dr. Joseph Murphy, President, Queens College; Dr. David Newton, President, York College; Charles Reicheithal, Editor, Flatbush Life; Maurice Reichman, Former Commissioner, Rent Control and Housing Maintenance; Dr. Herbert Schueller, President, Richmond College City University; Blanche Schwartz, Principal, P. S. 70; Joseph Stein, Gloria Steinem, R. Peter Strauss, President, WMCA; Elizabeth Stecher Trebony, Director, Project FIND; Dr. Richard Trent, President, Medgar Evers College; Dr. Leonard Cavello, Chairman East Harlem Comm. on Aging; Miss Laurel Bolgiano, Director, East Harlem Comm. on Aging; Mrs. Elma Harris, President, E. 119 Street Block Association; Mr. Aston Glaves, Harold Holzer, Editor, Manhattan Tribune.

Rabbi Balfour Brickner, Director, Commission on Interfaith Activities; Rev. W. Sterling Carey, Executive Director, Metropolitan United Churches of Christ; Dr. Lawrence Durgin, Broadway United Church of Christ, Manhattan; Dr. Milton Galamison, Siloam Presbyterian Church, Brooklyn; Father Gerald Gallagher, Saint Clement Pope, Queens; Rev. Williams B. Gray, Parish of Trinity Church, Manhattan; Rev. John Hinkamp, Flatlands Dutch Reform Church; Rev. Calvin Marshall, Varick Memorial Methodist Church; Rev. Carl McCall, Chairman, Citizens Voter Education, Campaign of NY State; Rabbi Alan Miller, Society for the Advancement of Judaism; Rev. Howard Moody, Judson Memorial Church, Manhattan; Rev. Tilda Norberg, United Church of Christ, Staten Island; Rev. William Nye, Church of the Evangelists, Manhattan; Rev. Albert J. Petty, Unitarian Universalist Church, Flushing; Rev. Hugh Pickett, American Baptist Convention, W. Wesley Shrader, D.D., Madison Avenue Baptist Church, Manhattan; Gardner Taylor, Pastor, Concord Baptist Church, Brooklyn; Rev. Samuel L. Taylor, First Presbyterian Church, Brooklyn; Rev. George D. Younger, Acting Director, Metropolitan Urban Service Training; Rev. Joseph Zorawick, Pastor, St. Stephen Episcopal Church, Howard Box, Brooklyn Ethical Culture Society; Rabbi Steven Riskin, Lincoln Square Synagogue; Rabbi Philip Schecter, New Morning Community; Rabbi Edward E. Klein, Stephen Wise Free Synagogue.

[From the New York Times, June 5, 1971]

SUTTON SAYS THE CITY SHOULD BE A STATE TO AID "FRUSTRATED"

The "crushed," "frustrated," "powerless" citizenry of New York City needs a new governmental structure—the 51st state—Manhattan Borough President Percy E. Sutton said yesterday.

Mr. Sutton told the City Club at a luncheon that the proposal advanced earlier this week by Representative Bella S. Abzug, Democrat of Manhattan, to make the city a state could, if realized, bring enormous benefits to the city.

Whether the drive fails or succeeds, he said, it is "inevitable" that New York City will undergo "a centralizing of governmental resources in a regional government and a decentralizing of government's delivery of services on a local neighborhood level."

The Borough President conceded that to become a state New York City had to leap two formidable hurdles: The creation of a constitutional convention in New York State and consent of the legislature to cut New York City loose.

Mr. Sutton was introduced by Robert Conrad, a lawyer and president of the 79-year-old City Club of New York.

The 50 members and guests at the luncheon, all but three of them men, demonstrated by their questions to Mr. Sutton after he spoke that the city-state idea was at least seriously to be considered.

Mr. Sutton said he favored the abolition of the City Planning Commission "except as a coordinating body." He proposed that the elected Community Boards take over the commission's planning power.

Opponents of this idea, he said, include municipal unions and upstate New Yorkers. But he said the latter might, with the city's secession, eventually say, "Good riddance."

[From the New York Post, June 2, 1971]

TO STATEHOOD

(By Pete Hamill)

Statehood for New York City is not, of course, a new idea. Years before Norman Mailer and Jimmy Breslin raised the cry in the 1969 mayoral election, statehood had even been demanded by William Randolph Hearst, among others. Most of the time, the idea has been treated as if it were some quite hilarious joke, especially by reporters who live in New Jersey. But it is no longer a joke. The ruthless performance of upstaters and suburbanites in the Albany zoo this year has shown once and for all that this city must press for statehood or die.

Congresswoman Bella Abzug held a press conference yesterday to "act in motion the machinery which can free New York City from its bondage to Albany and establish it as a new state." She was dead serious and so were the people who are supporting the move: Congresswoman Chisholm and Congressman Addabbo, Manhattan Borough President Sutton, Assemblymen Blumenthal, Stein, Simon, and Gottfried; Councilmen Merola, Clingan, Weiss, Katzman, Salmon; Councilwomen Greitzer and Ryan; R. Peter Straus of WMCA; Eugene S. Callendar of the New York Urban Coalition, and a number of other distinguished citizens. There isn't a little old lady in sneakers in the bunch.

Congresswoman Abzug brought her special capacity for rage to the argument, reminding us that the people of this city are having their fates decided by "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border." This triumvirate—Rockefeller, Duryea and Brydges—has slashed health services and education, increased our sales tax, attacked welfare in an absolutely punitive manner and pushed through "vacancy decontrol," which will force thousands of middle-class families out of our town.

Bella reminded us of some figures: New York City sends more than $11.9 billion to the federal government and $2.7 billion to the Albany government. For every dollar that goes to Washington, 12.6 cents comes back. For every dollar sucked out of the town by Albany, 66 cents comes back. We have to go to Albany to literally beg for some of our own money; if we could only hold on to all the taxes we now pay to the state, the net gain would be $1 billion.

As a separate state, New York would be able to levy its own taxes, such as the proposed tax on commuters who earn their living in our town but do not yet pay a fair share of its upkeep. At present, the Mayor of New York must go to Albany to levy such a tax, leaving the decision to the representatives of the very people he is trying to tax. We have had to go to Albany to obtain permission for a fourth police platoon, as if that is any concern of people from Endicott or Corning. We had to go to Albany for permission to allow our sanitation men to issue tickets. We have to get permission from these people to decide how much we can spend on cops and firemen. This is a process of humiliation which a great city should no longer have to endure.

What if we were a separate state?

Right off, we would have two Senators to fight for specifically city interests, and a more cohesive Congressional delegation. We now have more people than 43 other states, but unequal representation in Congress. Our share of the federal pie (that is, our share of our own pie) would come to us directly instead of being funneled through the Albany apple orchard and the richest city on the earth would be able to stand straight and deal with its own problems.

It should be unnecessary, after what has been done to us at this session of the legislature, but it has to be repeated: statehood is not a joke, it is dead serious. A Committee to Make New York City a State has been formed with headquarters at Congresswoman Abzug's district office (252 Seventh Av., Tel: 924 5604). The plan is to collect enough signatures to put statehood to a referendum this November.

The people on the committee need money.

They also need volunteer help, especially lawyers who can research the mechanical and constitutional problems involved. (How did Virginia and West Virginia pull it off? What is the precedent in Puerto Rico, which remains in colonial status because Puerto Rican voters turned down statehood in a referendum? Are there other possible city-states, such as Los Angeles, New Orleans, Houston, San Francisco-Berkeley-Oakland?) This is a campaign that must be run citywide, breaking through all conventional political lines; those clowns in Albany don't care if you are a liberal, a conservative, a middle of the roader, a Republican, a Democrat, a Bircher or a Communist. If you are a New Yorker, that's enough for them to grin their shark's grin and proceed to put you in harm's way.

It's time to do the deed at last, with the seriousness and drive and energy that propel all desperate human beings. If you have any doubts, just ask yourself one question: isn't it time we had a Governor?

[From the New York Times, June 2, 1971]

MRS. ABZUG OPENS DRIVE FOR 51ST STATE

(By Alfred E. Clark)

Representative Bella S. Abzug, charging that New York City was "in bondage" to the state government in Albany, announced yesterday a campaign to make the city the 51st state.

The Manhattan Democrat said an organization was being formed to seek a citywide referendum in November on a proposition petitioning Congress to admit the city to the Union as a new state. The change, she said, would be carried out in accordance with Article IV of the United States Constitution.

Mrs. Abzug, who represents the Lower East and West Sides, accused Governor Rockefeller and the Republican-controlled Legislature of having "disfranchised and disinherited eight million people of New York City."

DIFFICULTIES CONCEDED

Mrs. Abzug acknowledged that the Constitution required approval by the legislature and Congress before the city could become a separate state. But she said she would not let difficulties stand in her way.

At a news conference at her office at 252 Seventh Avenue, she called for the formation of a committee to report "as soon as possible" this year on the feasibility and structure of a city Constitutional Convention.

"The committee would be selected by an ad hoc group composed of city elected officials, such as Congressional representatives, state legislators, Borough President, Councilmen and district leaders, as well as union, business and community leaders," she said.

A strong mandate from city voters in November, she said, would make it difficult "for any Legislature to deny their will." Mrs. Abzug said that among those supporting her plan were Representatives Shirley Chisholm of Brooklyn, Joseph P. Addabbo of Queens, both Democrats, and a number of other Councilmen, state Legislators and district leaders.

A statement by Mario Merola, Bronx Democrat, declared that the Legislature, by its actions, "had breathed new life into the idea of making the city a separate state."

"When a state government, dominated by farmers and fishermen and political opportunists, can turn its back on a city in crisis," he said, "it is time to take a serious look at the prospects for obtaining control of our own destiny."

Manhattan Borough President Percy E. Sutton also backed Mrs. Abzug's plan, saying that recent state laws on rent decontrol and welfare "gravely damage" the city.

In an ironic vein, Representative John M. Murphy, who represents Staten Island and part of Brooklyn, said in Washington:

"New York City should secede from the State of New York and the Union; we should then declare war on the United States, and before fighting begins, surrender unconditionally. We should then apply for foreign aid."

The Constitution provides that:

"New states may be admitted by the Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned as well as of the Congress."

[From the New York Post, June 3, 1971]

A BRONX CHEER FOR THE CITY

As advocates of making New York City a separate state seek support for their proposal, a group of Bronx legislators have done them one better: they say the Bronx should form its own city.

"The Bronx should secede from New York City and its Manhattan-oriented Administrations," Assemblyman Anthony J. Mercorella (D-Bronx) said yesterday. "We should go back to Mother Westchester.

"After all, the Bronx is the only part of New York City that's really in the United States," he said. "All the rest are on islands."

FIFTY-ONE SPONSOR BILLS

Meanwhile, in Albany, 51 Assemblymen have co-sponsored a bill to create "a separate state within the five counties of New York City," and one Manhattan Assemblyman urged New Yorkers to refuse to pay the New York State telephone tax to demonstrate support for the secession campaign.

The Bronx secessionists—Mercorella and Assemblyman Manuel, Ferdinand J. Mondello, Burton G. Hecht, Armando Montano and Anthony J. Stella, all Democrats—threatened to take with them "the Bronx Zoo, the Hunts Point Market—the world's largest—and those fine cultural institutions, Fordham, New York University and Lehman College . . . plus Yankee Stadium."

Mercorella complained, "Everybody passes through the Bronx, but nobody stops here." He said the City Planning Commission "relegates our future to being an industrial suburb of Manhattan."

He urged the Bronx's 1.5 million residents to "give the rest of New York City the Bronx cheer."

On the question of the city forming its own state, Assemblyman Leonard M. Simon, (D-Brooklyn), introduced a bill yesterday to put before state voters a referendum on whether New York City should be permitted to form its own state. The final decision rests with Congress, which needs the consent of the state before it can act.

NEED 76 VOTES

Simon's 50 co-sponsors were mainly New York City Democrats. The bill would need 76 votes to pass the Republican-controlled Assembly.

Simon was optimistic about approval of his plan by upstate voters. "They want to get rid of us on an amicable basis," he said.

Assemblyman Richard N. Gottfried (D-Man.), said he would send a check for the amount of the state tax on his phone bill to Rep. Bella Abzug's Committee to Make New York a State. He urged all city residents to follow his example.

[From New York Magazine]

WHAT WE CAN DO TO STOP ALBANY FROM MILKING US DRY

(By R. Peter Straus)

If you're already tired of hearing about the urban crisis, you're in for a very bad time indeed in the weeks ahead. According to Mayor Lindsay, this is the year of the crunch. No more dire warnings about what will happen to the next budget unless Albany injects some more state aid. This year—mainly because welfare is up and tax receipts are down—the mayor has been talking about a deficit of $300-million in the *current* budget, the one that takes us to June 30. And that doesn't include the price the city will have to pay to get new contracts with its sanitationmen, firemen and policemen.

The budget for next year is being drawn up by Mr. Micawber. The superagencies have submitted their carefully padded requests, but the mayor need not offer a total until mid-April. He speaks of a billion-dollar deficit, but not of new revenues to close the gap. Something, presumably, will turn up.

If so, it will have to turn up in Albany—or Washington. The state holds the city's purse-strings, and the federal revenue-sharing President Nixon keeps talking about will be routed to New York City by way of Albany, if at all. As a state in its own right, the city might be free to deal with John Lindsay's budget crunch. With Albany calling the shots, it can't.

The mayor made tentative noises last year about "payless paydays"—which would certainly produce workless workdays too. He also promised to drop 500 provisional employees from the city payroll—which he can do because provisionals aren't under the great umbrella of civil service. "As in business," the mayor announced recently to a group of business executives, "when the crunch comes, the only immediate way to save money is to fire people."

That kind of captain-of-industry line may go down well with the roast beef lunch in a ballroom at the Waldorf. But the people who go to these lunches don't die in municipal hospitals because there aren't enough nurses. They don't live in crumbling tenements with broken boilers that the city doesn't even have the manpower to inspect, let alone fix. And they don't belong to a union that started contract negotiations from the premise that a patrolman's salary should jump from $10,000 to $16,000 in two years—with a four-day week thrown in. The municipal unions aren't likely to hold still for massive payroll cuts.

If the city can't hold down expenses, it will have to increase income. Traditionally that means begging in Albany—either for more state aid or for more taxing powers. In spite of his cool relationship with nearly everyone in Albany from the governor on down, John Lindsay has been a remarkably successful beggar. His first year in office, he got Albany's approval for the city income tax. Last year he led the state's big-city mayors in a fight to let local governments skim more money off the top of the state's tax revenues—a fight the mayors won, at least on paper. But that was last year, when the governor was running for re-election.

This year, Governor Rockefeller's poor-mouthing rivals Lindsay's. The governor has, in fact, grabbed the mayor's timeworn script and substituted "Washington" for "Albany" in the scene where somebody comes to the rescue. Only federal revenue sharing can save us, according to the governor, and if we don't get it, we're supposed to put the blame on the New York Congressional delegation—which just happens to be the only sizable body of politicians in the state where Democrats are still in the majority. "Those congressmen are our representatives and they're where the money is," the governor said the other day. "If they haven't got the money, they've got to get the money. There isn't any other chance."

Revenue-sharing simply means that Washington would set aside some of its tax revenues and send them back—no strings attached—to be spent by state and local governments. Rockefeller has promoted this idea incessantly from the time he was re-elected in November. What he had in mind was a $10-billion federal pie to be cut up among the states, which he figured would give New York about $1 billion. By a funny

coincidence, $1 billion would just about make up the difference between the $7.9 billion Rockefeller says the state must have from current revenues in the next fiscal year and the $6.8 billion it can count on at present tax rates. But President Nixon's revenue sharing plan offers only a $5-billion pie, and there's no telling whether Congress will buy even that.

It says something about the political problems ahead for federal revenue sharing that Rockefeller isn't counting on it right now. Instead, in the fiscal 1972 budget he laid before the taxpayers on February 1, he called for drastic tax increases totaling $1.1 billion.

Worst of all for us city slickers, the governor informed New York City and the rest of the state's local governments that they would get nothing new in the way of state aid. They *will* get the aid Albany promised last year, but that won't come up to expectations because one of the formulas was tied directly to the state's revenues, which are down because the whole economy is down. So New York City will get $31 million less under this program than it figured to get a year ago.

In the long run revenue-sharing may well be the solution to the fiscal squeeze on the states and cities. The beauty of the idea is that the guy who gets to spend the money doesn't have to take the rap for the taxes that bring it in. If you just look casually at the figures the Treasury Department has put out to drum up support for the Nixon Administration's revenue sharing plan, it's not hard to see why the idea appeals to the governor. New York State, with about 9 per cent of the nation's people, is down for almost 11 percent of the pie. And better yet—if your vantage point is Albany—is the knowledge that 49 per cent of the money that comes back from Washington under revenue sharing is going to stay right there in Albany, while the leavings are passed through to local governments like North Tonawanda—and New York City.

Dig further into the Treasury's figures, however, and revenue sharing looks a lot less attractive, even from Albany's point of view. Acccording to the Internal Revenue Service, the taxpayers of New York State contribute about 18 per cent of all federal revenues. (The figure would be higher if it included the income taxes of people who work in New York but don't live here.) Since those are the revenues that would be shared under the Nixon plan, or any other that Congress writes into law, it's obvious that revenue sharing is less than the millennium for the State of New York if anything under 19 per cent of the shared funds comes back to us. The bill Nixon is backing provides less than 11 per cent. Any questions?

Of course, if your desk happens to be in City Hall rathter than the state capital, the defects of revenue sharing—at least the Nixon brand—are even more visible. The city's annual expense budget is normally bigger than the state's by at least half a billion dollars; yet for every three dollars the city would get under the Administration's revenue sharing plan, the state would get four. That's all very well if you see the nation's problems as concentrated at the state level rather than in the cities, but not many city dwellers are about to buy that eyewash. They know better.

The irony is that if it weren't for the big cut the state skims off the top, New York City would actually do rather well under the revenue sharing formula by comparison with other local governments. In fact, 69 per cent of all the funds to be shared at the local level in New York State would come to the city. In short, the Nixon plan to share the wealth only confirms what New York City and the rest of the nation's overburdened cities already know too well: Under the federal system, they exist only by the sufferance of their sovereign states. As always, the line from Washington to city hall runs through the statehouse.

New York is almost a textbook example of colonialism in reverse—the mother territory around New York Harbor oppressed and exploited by the hinterland up the Hudson. New York State tells the city how much it must spend on welfare, the city's biggest and fastest-growing budget item. And, as Mayor Lindsay pointed out a few weeks ago, local governments within New York State have to pay more of the total welfare bill than they do in any other state. In 25 states, according to the mayor, the local share of welfare expenditures is 1 per cent or less; yet New York City must carry 25 percent of the welfare load here.

After setting the levels of support the city must provide for welfare and other services, the state insists that the city must balance its budget. And if the city is forced to impose new taxes to do it, the state must be begged and cajoled into giving its approval beforehand. The city's transit fare is set by a board whose members are controlled by Albany. Its property tax exemptions are mandated by Albany. The very hours its policemen may work are dictated in Albany.

And what kind of representation does the city have in Albany? Well, if New York City's choice had been elected governor, Mayor Lindsay would be dealing with Governor Goldberg. (In the five boroughs, Arthur Goldberg outran Rockefeller by 17,000 votes.) The New York City delegations in both houses of the State Legislature are outnumbered by upstate and suburban members. Both houses are controlled by the Republicans, although the city's legislators are overwhelmingly Democratic. In the Senate the Republicans are led by Earl Brydges, a Bible-quoting lawyer who lives in a distant suburb of Niagara Falls. The speaker of the Assembly is Perry Duryea, a lobster wholesaler from Montauk, on the farthermost tip of Long Island. Isn't it about time *we* had a man with clout in Albany?

It's true that some of the most influential state legislators come from the metropolitan area. Assembly Majority Leader John Kingston, like Speaker Duryea, is from Long Island. The chairman of the most important single assembly committee, Ways and Means, is Willis Stephens of Putnam County, Lieutenant Governor Malcolm Wilson, who presides over the Senate, used to represent a Westchester district there. But the urban core itself? Forget it. Even the committees on New York City affairs are headed in both houses by men from a suburb within the city limits: Staten Island.

Obviously these chairmen have their own constituencies; none of them has any compelling reason to concern himself with the more unpleasant aspects of New York City. The result is that taxes from the city continue to subsidize the rest of the state. The independent Citizens Budget Commission produced some figures last year to show that the subsidy isn't as grossly unfair to the city as it used to be; New York City got about 45 per cent of all state aid in 1967 as against 37 per cent in 1960. The city, though, is still more than paying its way, chipping in about 47 per cent of the total state tax bill in 1967. But there's a lot more to the state budget than cash aid to local governments. For instance, of the $354-million budget last year for the State University, only $28-million benefited students from New York City—a stingy 8 per cent of the total. By comparison the city got a real break on state transportation funds—$18 million out of $143 million, or 13 per cent. All told, Citizens Budget Commission research showed the city gets only 33 per cent of the visible benefits from the "State Purposes Fund."

So Norman Mailer and Jimmy Breslin were right over a year ago when they ran for office: The city would have millions if it could snap the strings that tie it to Albany. Instead of wondering whether the mayor can talk the governor into a little more state aid, and instead of speculating on the likelihood of a federal revenue sharing plan that would put the money in the cities, why couldn't we take more direct action? Why not—legally, democratically and responsibly—bring the statehouse here to the city? If New York City were a separate state—an idea that's not exactly unfamiliar to faithful readers of *New York*—it would get every penny it's entitled to as a city under the President's revenue sharing formula, plus millions that would otherwise go to Albany.

The legal steps that would have to be taken on the way are easy enough to define: a constitutional convention to form the city-state, a citywide referendum on the new constitution, approval by simple majority of both houses in the State Legislature, and, finally, recognition by Congress. The first two steps should be easy. But if the colonialists in Albany are really squeezing the city dry, why should they stop as long as there's a drop left? Mailer and Breslin never came up with a convincing answer. Yet there is one.

To begin with, there are strong emotional pressures on *both* sides of the city line for city and state to go their separate ways, and hang the expense. For every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks *his* taxes are supporting a bunch of welfare chiselers, truants and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom. It is still possible, believe it or not, for upstate legislators to lose elections because they're suspected of being soft on New York City. Since their constituents think the city is costing *them* money rather than the other way around, they should be pleased to see the city go.

In any case, it's not the North Country and the Finger Lakes and the Southern Tier that are *really* gorging on state tax money that ought to be spent on the city's problems. It's the suburbs. A study by Social Science Research Associates, a mini-think tank connected with the State University of New York in Albany, found that the city spent $739 of its own money for each student in the public school system four years ago, and got an additional $379 per student from the state. The Long Island surburbs spent considerably less from their own school taxes—only $602 per student—but the state more than made up for that by contributing an additional $524 per student—$145 per student more than it gave the city. Those same suburbs get 36 per cent of their total budgets from the state: the city gets only 31 per cent.

Albany not only discriminates against the city in passing out school aid; it also tailors the city's taxes to favor the commuter who earns his living in the city and takes his paycheck home to Rockville Centre or Dobbs Ferry. In the first place, the city resident pays city tax on *all* his income, while the commuter pays only on what he earns in the city. And in the second place, while the resident is getting hit for as much as 2 per cent of his total income, the daytime visitor is paying a maximum of ⅜ of a per cent on his net earnings. If you make $4,000 a year, your tax is so small that it really doesn't make much difference—about $2.88 for a resident family of four versus $2.50 for one with a commuting breadwinner. But let your income go up to $30,000 and the city will grab $260 of it if Daddy takes the Independent subway to work from Forest Hills and only $75 if he rides the Long Island Railroad from Great Neck. No wonder the city fights an uphill battle to keep its prosperous

young families from fleeing to the suburbs. Aside from all its other problems, the city's income-tax structure—controlled by Albany—beckons the affluent earner to move out.

The city might not be able to tax commuters at all if the Democrats hadn't won control of the State Assembly for the 1966 session in a special election, the state's first under "one man, one vote" ground rules. Naturally the suburban Republicans in the Senate would have preferred a tax on city residents alone, but the city Democrats in the Assembly wouldn't buy it. The Senate finally settled for lower tax rates on commuters.

So if the suburban legislators have that kind of muscle in Albany, how can the city get the leverage to pry itself loose from the rest of the state? Like this: Sooner or later the voters in upstate counties like Chemung and Chenango are going to discover that something has happened to suburban counties like Nassau and Westchester: they're getting more like the city every day—which means, in upstate eyes, that they're no longer part of the solution; they're part of the problem. The town fathers from the eastern tip of Suffolk County saw this quite clearly a few years ago, and their towns—then barely touched by urban sprawl—tried to secede from the county's heavily developed western half.[1] Once the upstaters realize that it's no longer enough to vote against the city, their Republican alliance with the suburbs will begin to crack. And that opens up a bizarre prospect: a coalition of city and upstate legislators that would last just long enough to set the city free from Albany for good.

The arithmetic is right. Even though the census takers keep telling us that more people now live in the suburbs than in either the cities or the sticks, New York City still holds nearly half the seats in each house of the State Legislature—26 out of 57 in the Senate; 70 out of 150 in the Assembly. If the city delegation stands fast for statehood, it will take only three upstate votes (out of a possible nineteen) in the Senate and six (of a possible 51) in the Assembly to get the required bill passed. Even if a few renegades bolt the city delegation, there ought to be enough upstate votes to do the job.

But the city had better act quickly. Within the next year or so the Legislature must draw new district lines for its members, taking into account the population shifts confirmed by the 1970 population shifts confirmed by the 1970 census. The city is bound to lose some seats in that reapportionment; the suburbs are bound to gain. If the city can't round up the upstate votes for statehood now, they'll be a lot harder to find after 1972.

As a separate state, with its own two senators and a single-minded Congressional delegation, the city might even be able to do something to change the federal aid formulas that now discriminate against big cities. Within the Department of Housing and Urban Development programs in cities of less than 50,000 people are eligible for federal funds up to three-quarters of the total. But if the city is bigger than that, Washington won't pay more than two-thirds of the bill.

Federal programs often limit spending in any one state to 12.5 per cent of the total federal appropriation. At least one HUD program sets an even lower quota: 10 per cent. As two states instead of one, our New York and their New York would have a shot at 20 or 25 per cent of the federal pot instead of fighting over half that much.

So revenue sharing isn't the only chance for us, Governor Rockefeller. Our new state wouldn't have to plead for Albany's permission to tax commuters' incomes at the same rates residents must pay—as New York State now taxes the incomes of commuters from New Jersey, Connecticut and elsewhere. So the city's revenues would go up at no cost to the people who live here. The city thus would profit from statehood and so would the upstate areas beyond the commuter belt—and together they have the power to legislate statehood for the city. The old emotional objections are no longer valid, if they ever were. New York isn't the most populous state anymore, so who cares whether it stays in one piece and ranks second or splits up and comes in sixth and eighth? What matters is the most magnetic of cities—first in trauma, but first in talent too—should be able to solve its own problems (or fail to solve them) without harassment from a lot of out-of-towners who don't even know how to pronounce Houston Street.

[1] The scheme fell through, ironically, because the state constitution says no new county can be formed unless it has enough people to have an assemblyman all its own; the seceding towns couldn't make it. But the federal Constitution imposes no such requirement for new states.

[From the Daily Mirror, June 2, 1971]

BELLA OPENS NEW DRIVE TO TURN CITY INTO STATE

Charging that the nation's largest city is "in bondage" to its state Legislature, Congresswoman Bella S. Abzug announced a program yesterday that aims to gain statehood for New York City.

The Committee to Establish New York City as a state, a group she began forming over the weekend, will collect petitions for a referendum to be put on the November election ballot asking Congress to admit the city into the union, Mrs. Abzug said.

There also will be a committee set up to plan the feasibility of a city constitutional convention as soon as possible this year.

"Governor Rockefeller and his state Legislature have disfranchised and disinherited the 8 million people of New York City," the Congresswoman said at a crowded news conference in her office. "Because of an outmoded political relationship, New Yorkers have stood by helplessly while our billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border have joined in inflicting one grievous blow after another on our city."

Mrs. Abzug was joined by a group of about a dozen city and state legislators at the news conference, and her statement announcing the statehood bore the names of more than 45 political leaders, ranging up to members of Congress who back the proposal.

The developments that convinced so many people to work for the city's statehood, Mrs. Abzug said, came in this year's session of the legislature in Albany, which she termed a "disaster."

That session, she said, "Has decreed inhumane cuts in health services, education and welfare, slapped us with a higher sales tax, imposed an unconstitutional one-year residency requirement for welfare assistance, wiped out thousands of city jobs and topped it all off by ordering what amounts to the end of living, of rent control for 1.3 million families—the only protection they have against rising inflation."

To questioners skeptical about the possibility of statehood for New York City, the Congresswoman insisted the proposal was "realistic." Norman Mailer, the author, used statehood for the city as his principal campaign theme in a losing race for mayor in 1969.

Although Mrs. Abzug predicted a large plurality of support for statehood in any voters' referendum held in the city, she said a successful campaign "might take a couple of years."

Applying provisions of the U.S. Constitution governing admission of new states to the union, approval of the New York state legislature would be necessary for any such application by New York City. Manhattan assemblyman Franz Leichter, who was present at the news conference, said, however, that many upstate legislators have a "sick attitude" about the city and would approve a split in the state.

Mrs. Abzug, who noted the secession of West Virginia from Virginia at the time of the Civil War was not approved by Virginia's legislature, said the constitutional issues raised questions that could be argued, particularly because of what she said was "arrogant and cruel" treatment of the city's needs by the legislature.

[From the New York Post, June 2, 1971]

MAYOR IN NEW PLEA FOR CITY PLAN

(By Robert Vare)

Mayor Lindsay, shaking his fist not only at Albany but at state governments generally, continued to seek support today for his proposal that big cities be allowed to govern themselves.

"Despite all Constitutional safeguards," he told the 65th annual convention of the Municipal Finance Officers Assn. at the Americana, "there is absolutely nothing to protect New York City and its 8 million residents from the travesty currently under way in Albany."

Establishment of "national cities" by federal charter, he said, might be the answer for big cities currently "at the mercy of anti-city forces and their domineering state legislatures."

HISTORY BACKS IT

As an example of what he called growing "massive public resistance" to state power over big cities, he cited the campaign to transform New York City into the nation's 51st state.

Proponents of this campaign have been quick to draw historical parallels:

"Parliament and George III wouldn't let us go either," says Assemblyman Richard Gottfried (D-Man.) in a not-too-subtle reference to the Legislature in Albany and Gov. Rockefeller. "But we managed to do it anyway."

Rep. Bella Abzug (D-Man.), the leader of the new statehood drive, compares the "revolutionary spirit" of the original 13 Colonies with the "mood of independence in our city today."

GEORGE AND ROCKY

Mrs. Abzug also sees a strong resemblance between the British monarch, George III, and Gov. Rockefeller in their "tyrannical attitude and their utter disregard . . . for the needs of the people."

And, she concludes, the city's payment of $2.7 billion a year in taxes without an adequate return is tantamount to "taxation without representation," a familiar refrain of the American War of Independence.

The major legal obstruction to secession, Constitutional experts say, is Article 4, Section 3, of the U.S. Constitution, which declares in part that ". . . no new state shall be formed or erected within the jurisdiction of any other state . . ." without the consent of the Legislature of the state as well as the Congress.

Thus the Legislature in Albany itself would have to approve the city's accession and that body is no more likely to grant such an unprofitable divorce than it is to give a large share of state aid to the city.

Even in the event of the state's approval, secession supporters would still have to face Congress, another improbable adherent to statehood for the city. As one observer put it, "Congress would not take kindly to two more New York senators."

[From the New York Post, June 10, 1971]

THAT WAS THE YEAR THAT WAS

(By Steven Marcus)

ALBANY.—Last March, while the Republican majorities in the Legislature were cutting $760 million from Gov. Rockefeller's proposed budget, the administrative aide to a liberal Democratic Assemblyman put up a hand-lettered sign on the wall next to her desk.

"Season's Greetings from Nelse and the Gang," the sign said. "Happy 1969."

That year, in the view of most liberal politicians, was a very bad one for the Legislature. It was a year in which the Republicans rammed through—and Gov. Rockefeller signed—a budget that made cuts in welfare and medicaid benefits despite outcries that the people who could afford it the least were being hurt the most.

But the 1971 legislative session, which ended early yesterday morning, may be viewed by critics as even more regressive.

"NO TEARS LEFT"

During the five months the lawmakers were here, the Republicans virtually rearranged the Governor's budget to reduce his proposed tax increases. They cut welfare payments by 10 per cent, the state's revenue sharing program by three per cent, raised the eligibility for medicaid and reduced many of its benefits.

They also adopted a one-year residency requirement for welfare recipients. Last week, during the debate on a bill to provide more aid to non-public schools, Assemblyman Franz S. Leichter (D-Man.) rose tiredly from his seat to oppose it and said: "So many outrages have been committed this session that I really have no tears left."

But if the Democrats were unhappy, the Governor had reason to be, too.

Fresh from winning a fourth term in office by the largest plurality in his political career, Rockefeller saw his previously tight control over the Republicans sharply diminished. A conservative faction in the party, strongly supported by Assembly Speaker Duryea who has his eye on the 1974 gubernatorial race, refused to fall in behind the Governor.

POUND OF FLESH

When Rockefeller said that the conservatives had got their "pound of flesh" by cutting his budget and vowed to lead a fight to restore some of the money, Duryea refused to go along.

In addition, the Governor's power plant siting bill was killed along with his proposals for reducing penalties for marijuana possession, compulsory health insurance, gun control and no-fault automobile insurance.

No one is certain yet whether the Legislature has taken a swing to the right or whether it is simply reacting to the bleak fiscal climate.

But there is speculation here that the recession is likely to continue and that the Governor will be forced to ask for more tax increases.

"It should be quite a session next year," one Assemblyman said.

Here is a rundown on the action the Legislature took on some of the major bills before it:

State budget

Approved a $7.7 billion budget for the fiscal year that began April 1. The budget increased taxes by $475 million, including an increase in the state sales tax from 3¢ to 4¢ on the dollar and a $168 million hike in business taxes.

Increased the legislators' annual expense allowances—known as "lulus"—from $3000 to $5000. Also provided new and increased allowances for committee chairman and ranking minority Democrat.

New York City

Passed a $525 million tax-authorization package that also provide a state guarantee for an extra $100 million in federal aid.

Authorized the city to issue $300 million in bond notes to meet the deficit in its budget for the current fiscal year.

Set up a commission to investigate the city's structure, management and fiscal controls.

Passed a bill requiring the state controller to audit the finances of the city, Rochester and Buffalo.

Authorized the city to acquire Yankee Stadium for $24 million.

Passed a plan under which 1.3 million apartments would become decontrolled when voluntarily vacated by their tenants.

Killed a bill authorizing 25¢ tolls on the four East River bridges and the doubling of tolls on the Triborough Bridge and Tunnel Authority bridges and tunnels, with the surpluses to go to the Transit Authority and the Long Island Railroad. William Ronan, chairman of the Metropolitan Transportation Authority, said that as a result of this, the subway fare is certain to increase next year.

Killed a pension bill for 121,000 municipal employes that would have cost an estimated $30 million a year.

Constitution

Passed the Governor's proposed community development article, which will appear on the ballot this fall and would permit the state to help finance housing and other construction in the state, especially in urban core areas.

Ratified the federal Constitutional amendment lowering the voting age to 18 in all elections. Killed the proposed state amendment that would have done the same thing.

Killed the proposed repeal of article 11, section 3, of the state Constitution, which prohibits direct or indirect aid to church-related schools.

Transportation

Passed the proposed $2.5 billion transportation bond issue, also to be voted on in November. It would provide $1.15 billion for highways, $1.35 billion for mass transit and $200 million for mass transit upstate.

Authorized the MTA to sell $30 million in bonds to finance land acquisition and improvements for developing Stewart AFB in Newburgh in to a cargo and general aviation airport.

Authorized a high-speed rail link between Manhattan and Kennedy Airport.

Authorized construction of new highways in New York City.

Elections

Postponed the date of primary elections this year to Sept. 14.

Eliminated the ban on the sale of liquor on primary and general election days.

Increased the city council districts in New York from 27 to 33. This is expected to provide more black and Puerto Rican representation.

Health and Welfare

Passed a series of welfare changes proposed by the Governor, giving him tighter controls over the welfare system. These include a one-year residency requirement; a requirement that an employable adult on welfare accept a public works job and the stripping of the state Board of Social Welfare of its regulatory powers by transferring them to the Social Services Commissioner, who is directly responsible to the Governor.

Killed a bill to repeal the state's liberalized abortion law and replace it with the old law that permitted abortions only if the mother's life was in danger.

Environment

Passed a bill banning the use of phosphates in detergents by June of 1974.

Authorized New York City to create an administrative tribunal to handle violations of the city's laws on waste disposal and noise and aid pollution.

Education

Increased state aid to public schools by $156 million and aid to non-public schools by $33 million.

Provided an additional $15 million for the SEEK programs at the city and state universities.

Housing

Passed a bill to permit banks to give 20-year mortgages for up to 75 percent of the purchase price to buyers of cooperative apartments.

Labor

Extended unemployment insurance benefits from 26 to 39 weeks.

Gambling

Passed a bill to permit the state's Off-Track Betting Commission to study and . . .

[From the Herald, June 6, 1971]

DOES THE CITY NEED THE STATE?

(By James R. Gaines)

This is the year of the Crunch. You can almost feel the clamp girdling the City somewhere around midtown; the pressure is there, the Legislature upstate sweating, straining to draw out the fiscal blood of the city. You can see the early signs of fission down around City Hall as administration officials scramble madly, stuffing yellowed state-aid programs into steel-reinforced briefcases, making ready for the penultimate crack.

With an expression imprinted on the minds of city-dwellers as a wry smile. Governor Rockefeller engineered a cynically obvious last-straw maneuver to abolish rent control for 1.3 million city families while he extended it for the rest of the state.

But this most recent coup is only a sign of the times. The city has been taking a financial brow-beating from its sovereign in many breathtaking new ways for many years. Only this year, as it happens, is the year of the Crunch.

How does it happen? How is it that the City of New York stands impotent while "a billionaire governor, a lobster wholesaler from Montauk and a lawyer from a small town near the Canadian border join in inflicting one grievous blow after another on our city?" as Representative Bella Abzug put it this week.

EXPLOITATION IN REVERSE—BACKLANDS BLEEDING THE CITY

The wry smile appears before our minds and vanishes.

The fact of the matter is that in America we are both unaccustomed to and find utterly distasteful any trace of colonialism or political oppression in our society; we despise the idea so much, in fact, we are apt to miss it when it is happening to us.

But it's true. As numerous local politicians and journalists are pointing out, New York City has become a prime example of a new kind of colonialism which is affecting many large cities; the exploitation of a state's popular and cosmopolitan capital by its backlands capital.

The State Legislature, for example, sets the level at which New York City must support welfare and other services in its jurisdiction. If the need for such programs grows beyond the capacity of the city to fund them, obviously new taxes or sources of aid must be sought. And while the state is belligerent about granting more taxes to the city, it is downright intractable about granting more aid. What happens? The Crunch.

The state sets transit fares, property tax exemptions, even the hours put in by uniformed city employes. But when it comes

around to contract negotiation time, Albany doesn't want to hear about it.

As a result, every year the city has to go to Albany for aid, slinking like a panhandler. All told, Mayor Lindsay has been a pretty slick beggar, but even he couldn't pull off what is needed. Crunch.

Still, one would think the Legislature would have something to say about the city's pinch. And they do, which is part of the problem.

New York City's delegation is a minority in both houses of the Legislature. Both Senate and Assembly are predominantly Republican, while the city delegation is Democratic. Senate Leader Earl Brydges, referred to above by Abzug as the lawyer from a Canadian border town, is alleged to quote the Bible regularly, almost pathologically, and wouldn't be caught dead going soft on New York. The Assembly speaker, Perry Duryea, the "lobster wholesaler from Montauk," has his own constituency too, one which lives as far out on Long Island as it can get.

There is, in fact, no delegate with much clout who either comes from Manhattan or takes the problems of strictly urban living as his own. Even the heads of the Senate and Assembly committees on New York City affairs are from Staten Island.

LEGISLATIVE DISAPPORTIONMENT, THE FACTS OF STRIFE

The blemishes on the complexion of this Legislature are truly revolting, not to mention harmful, to city residents. For instance, of the $354 million State University budget last year, New York students saw only $28 million, about eight per cent. Of the $143 million transportation budget, the City got what is, by comparison, a whopping $18 million or 13 per cent.

New York City, with half the state's population, its own budget exceeding that of the state by half a billion dollars, and bearing the lion's share of the state budget on its back, reaps only 33 percent of the benefits of the "State Purposes Fund," according to research done by the City Budget Commission.

Combined with the historical reality of the legislature's make-up is the pressing fact that this year NYC is getting $31 million less from Albany than last year because the scale used to determine the appropriate amount of aid is joined to the state's revenues, which have been sliding downward with the economy.

Crunch. Crunch.

Albany sees the solution to New York City's crisis in the revenue-sharing program now before the Congress. As Rockefeller has said, "those Congressmen are our representatives and they're where the money is. If they haven't got the money they've got to get the money. There isn't any other chance."

Of course, if revenue-sharing dies he might just add that the blame must rest with our Congressmen; he might say, with a straight face, that they are the only predominantly Democratic body in the state.

It's simple to understand why the revenue-sharing plan is so attractive to Albany. With nine per cent of the nation's population, the state will be eligible for 11 per cent of the take. They will also be allowed to keep 49 per cent of the money kicked back to the capital, leaving the crumbs to be picked up by localities like Fishkill and New York City.

But a deeper look exposes a fiscal can of worms for the city. For every dollar that gets to City Hall, Albany will get $1.34. That would be all right if Rockefeller got an extra 34 cents worth of the city's problems too, but he won't. He'll make a profit by keeping them right where they are.

Simply put, the revenue-sharing plan just illustrates the problem, it changes nothing. The city must still make its own way; it must still exist only by the benign tolerance of its aloof sovereign; it must keep suffering the consequences.

And crunch again.

HOPE SPRINGS ETERNAL THE 51ST STATE

The only real hope, lost somehow in the hilarity of the Mailer-Breslin bar-hopping mayoralty campaign in 1969, is to make New York a state. Funny, it still brings to mind an old Marx Brothers scenario, but the concrete proposals presented this week by Bella Abzug were set forth in the gravest of terms, no cracks allowed. It quickly prompted enthusiastic and thoughtful support from both politicians and significant private citizens, none of them in it for laughs.

Charging the state with "overt and covert hostility towards residents of the City of New York, Congresswoman Shirley Chisholm, Manhattan Borough President Percy Sutton and New York Urban Coalition Chairman Eugene Callender have joined with Bella to push hard for the city's secession from New York State, among many others.

Representative Chisholm said Tuesday she had been "thinking about this for a number of years on the basis of my own experience in the New York State Assembly, where I saw the division between localities upstate and localities downstate. Each year the same symphony of hostilities is played. To me the solution is the city becoming a state."

She feels that the city's economically and emotionally oppressed minorities, the ones who die in city hospitals because of heatlh budget cutbacks and live in decaying and infested tenements, would be "especially benefited because it's they who get the shortest end of the inadequate services stick."

Sutton said the same day, "the enactment of the budget cuts, the one year welfare residency requirement, and the decontrol of rents are all acts by the state legislature that will gravely damage the City of New York. The fact that such destructive legislation could become law is clear evidence that New Yorkers have no significant degree of control over their own destiny.

"I would like to see New York City, and perhaps the entire New York Metropolitan Region, become a separate state."

Callender said Tuesday he thought city-statehood "a great idea" during the Mailer campaign, "but I think the recent behavior of the New York State legislature has made it even more imperative."

The Abzug campaign to de-crunch the city was also endorsed on Tuesday by numerous state and local representatives and civic organizations.

Part of the reason the plan was so quickly endorsed, and by so many, is that the proposals outlined at Bella's news conference were thoroughly cogent, historically valid, and entirely feasible.

Many people have strange associations with the idea because it was so poorly supported by Mailer and Breslin. Actually, though the procedures provided for by the Constitution are straightforward and their success quite plausible.

First will come a special planning committee session to investigate the feasibility and structure of a city constitutional convention to be held as soon as possible in 1971, composed of officials elected in the city, serving both state and local government.

There will be a city-wide referendum in November, 1971, in which the people of New York will vote on a proposition to petition Congress for admission to the Union as a new state in accordance with Article IV of the U.S. Constitution.

Article IV stipulates "New states may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislature of the States concerned as well as of the Congress."

Then the constitution which results from the city convention will be offered to the people for adoption, after which the state legislature would be approached for their consent.

Finally, the United States Congress would be petitioned for admission.

The many obstacles which are expected to appear and interfere with the program's smooth passage into law do not include a lack of historical precedent.

In 1791, both Vermont and Kentucky were formed out of existing states: New York and Virginia respectively. Later, Maine split off from Massachusetts and, in a dispute over secession just prior to the Civil War, West Virginia chose to secede, in effect, from Virginia.

This last example provides the statehood campaign with quite a broad precedent, in fact. For, although the Supreme Court never recognized the secession of Virginia from the Union, and although the Virginia legislature never gave consent to West Virginia's statehood, when the war ended there was one more state in the union. The sovereignty of West Virginia was, therefore, self-appointed; the territory formed its own legislature, gave its own sanction, and broke itself off.

However, though many advocates of the statehood plan feel the highest hurdle will be the State Legislature, there is a persuasive argument that the Virginia precedent will never have to be used, even if it could be.

Even admitting the sadistic glee with which the Albany politicians put it to New York, admitting as well the enormous financial contribution the City sends to Albany every year, even so there is an enormous psychological impetus among upstaters to rid themselves of what many of them feel is a concrete urban white elephant.

As New York journalist Peter Strauss has pointed out, "for every Brooklynite like Pete Hamill, furious because the city needs a go-ahead from Albany to change its police shifts or the way it chooses school principals, there's a burgher in Herkimer or Painted Post raging because he thinks his taxes are supporting a bunch of welfare chiselers, truants, and flag-defilers—not to mention long-haired bomb-throwers, multi-father households and assorted liberationists of all sexes—down here in Sodom."

Also, as the Republican coalition between New York's suburbs and upstate localities begins to weaken, as the outback starts to see that Westchester, Suffolk, Nassau and the like aren't as out-back as they are and, in fact, are becoming more city-oriented and costly to the state every day, there could well be a shuffle. And the result could just be a "strange-bedfellow" alignment between city and upstate officials on the very subject of letting New York City go its own way.

CITY HALL REACTION AND A NEED FOR SPEED

Since Tuesday, Mayor Lindsay has been standing quietly by, but certainly watching this development with great interest. Recently, at a meeting in Cleveland, he proposed that the nation's 25 largest cities, those with populations over one-half million, be made sovereign "national cities." He has cited the recent Abzug plan so far only as another example of the frustration of New York city-dwellers rather than as one of a workable and desirable alternative.

It is certain that if statehood is to be, it had better come soon. A reapportionment to make the legislature's complexion justify with the population shift indicated by the 1970 census is due. It is certain to create more seats for the suburbs and less for the city. So 1972 could be a bad year.

As of now the city, with its suburbs, has a majority in both Houses of the legislature,

26 of 57 in the Senate and 70 of 150 in the Assembly. If the urban delegation unifies behind the statehood concept, passage will require only three Senate votes and six Assembly votes from upstate. And even if the city delegation splits slightly, indications are that enough upstate votes could be mobilized to let the city break away.

After all, some of the symbolic impact of the move has been eliminated: New York isn't the biggest state anymore. There's less status to be lost since many upstaters have lost their belief that it was really ever worth it anyway.

GOAL OF STATEHOOD TO STOP HURTING PEOPLE

But most important, in a city where people really did die today, yesterday, the day before, because of short-sheeted health care programs, tottering tenements in ghettos made intolerable by the constant threat of drug addiction and crime, and the real emotional devastation caused by living a jungle-life that, to many, borders on the insane, this kind of a city must assure the rights given the individual by the constitution by shouldering the responsibility assigned by civil law and basic ethical imperatives (as the state is unresponsive) to obtain for itself the capacity to make things right. At the very least it must alleviate inexcusable degradation, even if it means pointing the crunch the other way.

"Nothing is more powerful than an idea whose time has come," a 19th century tenet recently reiterated by Representative Abzug. But the idea which emerges out of all the others emerges for knowable and understandable reasons, to which the idea must be held accountable.

Statehood for New York City is such an idea. It fills a gap which has been widening for years; it calms, at least a little, a storm of economic and social problems which have taken their toll of the quality of life here in the city.

Like the bamboo tree which bends in the hurricane and does not break, let's hope the statehood program can soothe a deteriorating city, and let a ravaging squall become the renewing winds of change.

[From the New York Times, June 9, 1971]

FOR NEW "NATIONAL CITIES"

(By John V. Lindsay)

It is no longer reasonable to say that under our federal system cities must continue only as supplicants to their states. Cities like Houston and Detroit and Philadelphia are each larger than fifteen of the 50 states. And the budget of my own city is larger than the budget of New York State.

It is time that we rethought the role of these cities in the American governmental system. It is time for us to recognize that they are "national cities," with a unique role to play in our national life and deserving a prominent status in our political structure.

The Federal Government should charter a number of "national cities" with a grant of special powers.

Under their charter, national cities could deal directly with Washington on matters of trade, finance and social welfare. They could receive broader federal financial support in order to ensure functions of national responsibility. They could have independent authority on issues of local concern and urban development.

There are parallels in federal law for a national cities charter.

In the area of corporate law and finance, the Federal Government has responded to high-priority needs with the creation of federal corporations and nationally chartered banks. The Federal Deposit Insurance Corporation was set up across state and local lines to guarantee bank deposits at a time of economic crisis. T.V.A.—the Tennessee Valley Authority—was established to generate the power for the development of an important region. Amtrak has just moved to operate our declining railroads.

These are different from a national cities' charter, which would probably require a constitutional amendment to authorize this change in our federal structure. But evolution and change have been the strength of our constitutional system.

The charter for national cities would fill the unique need of great urban centers for that measure of independence and stability so desperately lacking at the present time.

Our cities are already corporate entities—but chartered by the states. They perform services for the states, but far more importantly, they fulfill vital federal functions. Their claim to national status is strong and clear. The 25 American cities with over 500,000 population certainly qualify as national cities. Perhaps others would, too.

I know this would confirm the sense of many of us in these great cities that our futures are linked to one another far more than to the governments of our states. We have only recently discovered that Seattle and Baltimore, Atlanta and Milwaukee, San Francisco and Pittsburgh have inherited a common national legacy. Despite state differences—despite a long history of regional competition for national resources, we have learned, as the NATO countries have, that the things that unite us are more important than the things that divide us.

A national cities charter would free these cities from the restraints imposed by unresponsive state governments. It would lift the inequitable burdens and restrictions imposed by state legislatures under the domination of anticity interests. And it would formalize the Federal responsibility for the national scope of urban development.

This is not to suggest that we can "solve" our urban problems by a mere change in structure. The needs of the working man denied marginal security, the jobless veteran, the pressured pensioner, the welfare mother, and the harried commuter in our cities involve the whole range of vital urban services—police, fire, sanitation, health, education, jobs, and recreation. Obviously, a new structure is only a beginning.

This is not to suggest, either, that the three-tiered concept of American federalism is not relevant to the issues of the seventies. It is, and should remain the basic pattern of American government.

But a national cities charter does suggest that after nearly 200 years of the American experience, we have understood the changes that have occurred not only in our own country, but in world civilization.

There are, of course, other fundamental defects in the present structure of our cities. Looking outward to the suburbs, we see the irrationality of present city boundaries as a tax base and a service area. The move toward metropolitan and regional government is spreading. Looking inward, we find that city governments with a million citizens can be remote and unresponsive to their residents. We need a more compact unit of government at the neighborhood level to rebuild a sense of urban community.

Ideally, we might dream of redrawing the map of America so that each national city becomes a metropolitan government which incorporates smaller neighborhood government units. That would be a new metropolitan federalism—with a national, regional and neighborhood government. Some of us have looked longingly at the structure of London for such a model.

But American history, geography and law make that dream unreal for most of our cities. Instead, we will respond to the need for metropolitan and neighborhood government in our own local ways. There will be a mix of structures and arrangements. But we can meet the overriding need for national commitment with a new national cities policy.

Recently, I toured the Brownsville section of my own city with a group of twelve other big-city mayors. Seeing the empty shells of abandoned buildings and the ruins of a once thriving community of 170,000 people, the Mayor of Seattle, Wes Uhlman, said to me: "God, it looks like Dresden after World War II."

I could not help but think that if it were Dresden, it would have long since been rebuilt with substantial American support. Indeed, I have sometimes wondered, if Brownsville had been discovered in Burma, whether our national Government would not have responded far faster and with greater generosity that it has, so far, here at home.

America's $135 billion commitment to foreign aid, including the Marshall Plan, was not only an act of generosity. It also marked the real end of American isolationism. A commitment to a national cities policy would be no less significant—for it would signal the end of America's bias against its own cities.

[From the Manhattan Tribune, June 12, 1971]

THE NEW BATTLE FOR STATEHOOD: BELLA ABZUG: "WE ARE THROUGH BEGGING!"

(By Edith Spiegel and Harold Holzer)

What could William F. Buckley and Bella Abzug possibly have in common?

The Greeks had a word for it: city-state.

Back in ancient history—the 1965 mayoralty campaign, to be exact—Conservative candidate Buckley proposed that New York City establish independence and become a sovereign state.

His call received only limited attention.

Buckley lost, but the proposal did not.

Throughout the next half-dozen years, and especially when the Republican-dominated state legislature was in heated session debating home rule for the city, the idea was revised. But never seriously.

Now, six years after the Buckley defeat, Rep. Bella S. Abzug of Manhattan has rallied new support for the old proposal. But this time she has brought to the argument the support of: two fellow congressmen, the Borough President of Manhattan, two state senators, four assemblymen, six city councilmen, and 33 more noted city dwellers from the fields of politics, communications, literature and labor.

This time Mrs. Abzug has won the encouragement of the man who defeated Buckley in 1965—Mayor Lindsay.

This time she brings to the fight the anger of New Yorkers over what they feel is new short-changing by the state legislature.

This time—from all indications—the effort looks real, and local leaders are for the first time talking about the "inevitability" of statehood for New York City.

Not since the civil war have cries for secession been heard so often.

Not since the Boston tea party have the slogans of rebellion been revived so regularly.

And not since the farmers of Western Virginia called a meeting to establish independence has any part of any state so vehemently threatened secession.

Six years have transformed a flighty issue into a dead serious battle. The difference in 1971, the experts note, is six-fold.

(1) The urelenting struggle the city has experienced in Albany this year to secure money and win the "right" to tax.

(2) The passage, this session, of a vacancy decontrol bill (over the objections of most all city legislators) that makes the first serious dent in New York's tough, 20-year-old rent control code.

(3) The apparent inevitability of repeal of the Blaine amendment—or the bypassing of the Blaine to win aid to parochial schools.

(4) The "pension controversy"—which has resulted in strikes and stallins.

(5) The Assembly passage of the one-year residency requirement for welfare (over the objections, again, of city legislators).

and (6) the leadership, in the new struggle for independence, of Congresswoman Abzug, whose nickname, "Battling Bella," was earned by fighting uphill battles—and winning them!

In leaderless times like these, the major difference that can either make or break a political issue is not what is said, but who says it. A strong voice is needed, and Mrs. Abzug, literally, has it. Her gut reaction to the latest Albany "massacre" has become a rallying cry.

"No taxation without representation," yelled the Congresswoman from the 19th. And the cry rang out like a shot heard 'round the city. "It's time for us to get self-government," Rep. Abzug declared at a press conference last week. "We have been deprived of that right far too long. Fact is, we've got to bring history up to date. The state was formed by rich farmers and they can't continue to run a modern city with totally different problems—it's a total anachronism!"

Mrs. Abzug did more than just throw her ideas out to the public, to wait for them to act. "This is a practical matter," she told the Tribune. "And that's why I've started with a petition campaign."

"By their outrageous rejection of our city's plea for help," Mrs. Abzug said at her press conferences, "Governor Rockefeller and the state legislature have disinherited the people of New York City. We are through begging. We have no alternative but to assert our independence from state bondage and to take the necessary steps to create a new state of the City of New York.

"Since the legislature cynically killed rent control for the people of NYC and retained it for up-staters, the dam has burst. I have received hundreds of calls from outraged citizens demanding action."

Mrs. Abzug plans now to get enough signatures to get a city-wide statehood referendum on the ballot this November.

If the city votes approval of a proposition to petition Congress for Statehood, Mrs. Abzug would work to call a constitutional convention. A new constitution would then be offered to the people, and their consent would trigger a demand to Albany for independence, and a petition to Congress for admission as the 51st state.

"Not the 51st state," The Congresswoman corrected. "Look—there are 43 states smaller than New York City. So I would like to think of us as the 8th state rather than the 51st.

Already seeing ahead to independence, Mrs. Abzug added, "Once we get expansion we can begin to put our own city together. We can model our own government, take care of our own funding."

She emphasizes that Mayor Lindsay's plan for a "national city" is not "inconsistent with our idea. But it is more complicated. It would require an amendment to the constitution. And statehood is a much shorter route."

Mrs. Abzug asks for the support of all her constituents. "The people of New York must get involved in the campaign. They must get community leaders to respond. Let's see some storefronts come up around the city. Most of all we need money—money for ads in newspapers and for funding."

To lead the way, Mrs. Abzug is forming a special planning committee to report on the feasability and structure of a constitutional convention. The offices of the committee are in the Congresswoman's own office at 252 Seventh Avenue.

"The committee," she said, "is intended to be as broadbased and widely representative as possible. This is an issue around which people can coalesce, whatever their political philosophy or affiliation. We are seeking Republicans as well as Democrats and Independents, conservatives as well as liberals and—perhaps most important of all large numbers of individual private citizens as well as public officials and community leaders."

Back at Bella's local office, awaiting the expected rush of support, the staff is busily researching American history for precedents. Starting with Mrs. Abzug's lead of the secession of West Virginia from the rest of Virginia during the Civil War, the researchers are checking out the necessity of consulting the legislature—although many supporters of the drive aren't convinced the rest of the state won't be glad to get rid of the city.

The researchers have discovered there were earlier supporters of statehood: William Randolph Hearst, Paul O'Dwyer, Norman Mailer and Jimmy Breslin.

The Abzug staff is sure of Mayor Lindsay's help—but Lindsay aides say the Mayor "believes in the positiveness of the city concept," and prefers his own plan of establishing National Cities.

Mark Corrigan, from the Mayor's office, explainec that Mr. Lindsay feels there is precedent for chartering national cities in the examples of such Federal corporations as banks and TVA-type projects.

But the trend seems to be toward secession—and independent statehood.

From nearly all the local political leaders who have endorsed the Abzug demands come the same two responses: it must be done, and it can be done.

Percy Sutton, Borough President of Manhattan: "I would like to see New York City and perhaps the entire New York Metropolitan Region become a separate state. . . . Through statehood and decentralized local services, New York City will have available the resources to meet the needs of all people, and the average New York City resident will have a significant degree of control over his local environment."

Albert Blumenthal, Deputy Minority Leader of the State Assembly: "I'm 100 per cent behind the effort to secede . . . primarily due to all the frustrations of this year in Albany, the passage of legislation that has disregarded the needs of the city and in effect disenfranchised 8,000,000 residents."

Eldon Clingan, Minority Leader of the City Council: "The state has told us in effect that they're not interested in having us participate in making decisions. . . . Some of them have long maintained that we are a burden and they would be glad to be rid of us. But those farmers upstate may be reluctant to give up the rich cow they're been milking. But as one who grew up on a dairy farm. I know that if a cow is sufficiently fractious, you sell it, no matter how much milk it produces."

Carol Greitzer, Manhattan Councilwoman: "I'm in budget hearings right now and all I keep hearing are the cuts of essential facilities and programs. I suggest that people write to their legislators . . . if a large number of people can be mobilized it can't help but have a good effect on our cause."

Richard N. Gottfried, West Side Assemblyman: "I am henceforth withholding and refusing to pay the state tax portion of my telephone bill, and I am urging everyone else to do the same. I think eventually New York City will be an independent state—it's a matter of time, and a matter of how much blood will be shed. Brownsville was the first skirmish."

Manfred Ohrenstein, State Senator: "Right now we have to beg for the right to tax . . . the legislature is unwilling to do what we want, what we need. This makes it quite clear that while the city provides revenue, it has no say in its distribution, and no say in how much comes back to us. We've got to make sure the city can determine its own course."

Andrew Stein, Assemblyman: "We need to become the 51st state—or we need home rule. We shouldn't have to go to Albany and let men from Nassau and Niagara Falls tell us what to do."

[From the New York Post, June 12, 1971]

THE 51ST STATE?

(By Joel-Philippe Dreyfuss)

Maybe they'll call it the State of New York City. Or the City-of-New-York State. Or maybe the City-State of New York.

Whatever the name, the latest secessionist rumblings out of City Hall are nothing new in New York politics. Rebellious talk about withdrawal from the state and even from the United States turns up regularly.

It has usually happened after the city has undergone a particularly strenuous ordeal with the Legislature in Albany.

The motivation for separating New York City from New York State has always been the same—money and home rule power—and it goes back to long before Norman Mailer's Mayoral campaign.

A long string of New York Mayors, beginning with Fernando Wood in 1861, chafed at the tight reins on the city's independence and sought statehood as liberation from tight-fisted upstate legislators.

The bitter battle between Mayor Lindsay and Governor Rockefeller over the city's latest budget proposals was in keeping with a 110-year tradition.

In 1861, Mayor Wood charged that "the political connection between the people of the city and the state has been used by the latter to our injury."

In 1971, Lindsay described the just-concluded legislative session as "chillingly anti-city" and said New York had been "short-changed again."

Rep. Bella Abzug (D-Man.) charged the city was "in bondage" to the state government and announced a campaign to make New York City the 51st state. Mrs. Abzug formed a committee and drew up a petition calling for a city Constitutional Convention. A strong mandate from the voters, she said, would make it difficult "for any Legislature to deny their will."

Manhattan Borough President Percy Sutton promptly hailed the campaign as "the dawn of a new era" and called for its expansion to other cities across the nation. "The development of New York City as a city-state would be meaningful in helping to bring political structure of our nation closer to the realities of American life," Sutton said.

Last Tuesday night, Mayor Lindsay announced plans to set up a commission to investigate the effectiveness of state government and examine the possibility for statehood. (It is clearly relevant to their respective roles that the Albany lawmakers, with Gov. Rockefeller's swift approval, had previously decided to investigate the city.)

The new state would rank ninth in population and last in land area. Without its namesake, New York State would drop from second to tenth in population.

The new city-state would draw one fifth of its work force from out-of-state and as the financial capital of the world would be soundly based, at least economically.

Many law experts agree that separation is constitutionally possible, but in terms of practical politics, they say, it just isn't going to happen.

To make New York City a state, the city would have to call for an election of delegates to a constitutional convention that would draw up a constitution.

After the constitution was approved by a citywide referendum (hurdle No. 1) it would be submitted to the Legislature for approval, (hurdle No. 2) then forwarded to Congress, which by a majority vote (hurdle No. 3) could admit New York City into the Union and provide for its election of Senators, Representatives and statewide officials.

The question now must be whether this latest effort will be more successful than secessionist movements of the past.

Mayor Wood wanted to pull out of the Union in 1861 not only because of displeas-

ure with Albany, but because Abraham Lincoln had just been elected President and he figured the United States was doomed anyway.

Loyalists on the City Council resisted the Mayor's efforts and when the Civil War started, Wood jumped on the Union bandwagon. But to no avail—he wasn't renominated for office.

William Randolph Hearst took up the cause in 1921, when there was widespread support for "Home Rule." The movement failed but the call for secession was established as a political lever against the chafing yoke of Albany legislators.

In 1928, Prof. A. G. Ogilvie, geographist at Edinburg University, revived the idea but expanded it to a "metropolitan state" which would include the growing suburbs of New Jersey, Connecticut, Westchester and Long Island.

"After the formation of this super-State," Ogilvie said, "the city would be able to carry out its present magnificent plan, a project which will transform it and double its population in 40 years."

While Mayor Jimmy Walker liked the idea, it was considered too cumbersome because the Legislatures of three states would have had to approve.

In 1939, Rexford G. Tugwell, the political scientist and FDR braintruster who was then chairman of the City Planning Commission supported statehood for the city and the issue began turning up with new regularity: 1941, 1943, 1949, 1951, 1956 . . .

In 1959, Senate Minority Leader Joseph Zaretzki suggested that New York City and Long Island compose a "South New York State" with the remainder of the state designated as "North New York."

During the heated debate, Assemblyman Bernard McDonnell of the Bronx retorted that his borough was the only part of the city that belonged to the continental United States.

"The rest of you," he told Manhattan, Brooklyn, Queens and Staten Island legislators, "are from offshore islands."

The issue of statehood flared briefly in 1963 and 1966 but came into the spotlight again with the 1969 candidacy of Norman Mailer, who presented detailed analyses of the financial inequity of the city and state.

The catch, of course, is, and always has been, Albany. Unless drastic changes occurred in the makeup of the Legislature, any proposal to separate the state from its most important city seems doomed to fail, and if, on the other hand, the Legislature were more responsive to the city's needs there would be no talk of separation.

Opposition to the plan would surely also come from other states, who would fear the precedent established in New York. Next might come Chicago, Los Angeles, Detroit, Atlanta, all possibly eager to sever ties with their mother states.

On Thursday, the Mayor's office released the text of a memorandum on statehood prepared by Leon Panetta, his executive assistant for intergovernmental affairs.

Panetta focused on the root of animosity between the city and state—finances.

He said the city generated $2.799 billion in revenues for the state and got back only $1.829 billion in all forms of state assistance. The net gain from Independence, Panetta calculated, would be almost $1 billion.

The memo said exemptions from property taxes now granted by the state, about 30 per cent of the city's total, would be eliminated and possibly reduce the tax burden on individual taxpayers.

"Statehood is not an unrealistic possibility, the report concluded. "Indeed it may well be the only sensible approach to governing New York City."

Governor Rockefeller called such talk "utterly irrevelant," adding: "I think the idea is childish because it would destroy the city."

Experts on urban politics differ on the effects of statehood for New York City. Dr. Robert H. Connery, professor of government at Columbia University and a deputy city administrator during the Wagner Administration, said statehood for the city would be a "great mistake."

"The problems that are being faced are larger ones," he said. "There is more effort for metropolitan governments and even bigger units, not smaller ones."

Dr. Demetrios Caraley, of Barnard College, another expert on government, was pessimistic about the possibilities. "If New York City would profit, why would the Legislature approve it?" he asked. "It's all wishful thinking. You can't secede."

Caraley was more enthusiastic about another Lindsay proposal which received less attention when first presented at the NATO conference on cities in Indianapolis on May 27.

At the time, Lindsay suggested the creation of "national cities" of 500,000 or more population with more direct links to the federal government. The national cities, Lindsay said, would enjoy "broader financial support in order to insure functions of national responsibility."

"I think it makes a lot of sense," said Caraley, noting that such a procedure would avoid the entanglements of legal battles presented by separation of a single city.

It is curious that the new cry for separatism for the metropolis should come during a period when it is otherwise increasingly apparent to many students of urban affairs that urban sprawl into the suburbs and beyond calls instead for regional solutions to regional problems.

Many planners point out that the problems of the nation's large cities will not be solved by the simple act of divorce from their parent states. Ecology, transportation, air and water pollution, welfare and migration of the poor—all these problems transcend state boundaries and would continue to do so even if it were the city which became the state.

The rise of inter-state agencies such as the Port of New York Authority indicates to some urbanologist critics of secession that regional organization rather than the city-state is the answer.

When Mailer proposed statehood for the city in 1969, he even favored breaking city government down into smaller "Neighborhood" units, with their own laws, police departments and school systems.

The real issue is, of course, home rule power. Many New Yorkers resent a situation in which a city of 8 million with a $9 billion budget must appeal to the Albany Legislature for permission to tax its own residents or consolidate its own agencies.

The State Constitution of 1894 gave the mayors of cities a "suspensory veto" on legislation affecting their property, affairs or government, but this veto, which could be overruled by the Legislature, was replaced in 1923 by a home-rule amendment granting limited legislative powers.

Legislative intrusions on their property was still forbidden without their consent or an emergency message from the Governor. Since 1938, when the emergency message provision was eliminated, the power of cities has not changed substantially.

Lindsay's proposal for "national cities" may help solve a problem that is not just limited to New York—the problem of communication between large urban areas and the federal government—but serious consideration of his proposal seems far off.

Only a month ago, before the Legislature acted on the city's tax package, Lindsay said that statehood was "totally impractical" and "not productive."

Is the Mayor's about-face just a continuation of the use of statehood as political leverage or is it a genuine response to the urgent needs of a city whose reality has far outrun Fernando Wood's flight into fancy?:

"As a free city, but with nominal duty on her imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes and have cheap soup nearly duty free."

THE TRUTH ABOUT THE GULF OF TONKIN

HON. GEORGE McGOVERN

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. McGOVERN. Mr. President, the documents published by the New York Times relating to American military involvement in Indochina have clearly shown that the administration did not adequately inform the American people and the Congress about the policy it was pursuing there.

There is documentary evidence now available which indicates that as late as 1968, when the Foreign Relations Committee held hearings on the Gulf of Tonkin incident, high administration officials continued to deny the extent of American military involvement and planning at the time of the incident.

I believe that the Foreign Relations Committee should be enabled now to investigate the full extent of the deception practiced at its expense. The documents and summaries, as appeared in the New York Times, are sure to be helpful, but I would see no reason for further delay by the administration in providing the committee with the full documentation.

From the evidence now available, we can already identify some of the most flagrant efforts to deceive the American people. On February 20, 1968, Secretary of Defense McNamara told the committee that South Vietnamese operations against the north:

> Were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

But the documents printed and summarized in the New York Times show that from February 1, 1964, "an elaborate program of covert military operations against the state of North Vietnam" began—Pentagon quote. United States personnel were involved. The operations were directed, not by the South Vietnamese, but through a section of the Joint Chiefs of Staff called the Office of the Special Assistant for Counterinsurgency and Special Activities.

At other points in the hearings, Secretary McNamara denied knowledge of an advance draft of the Gulf of Tonkin resolution, prior to the actual incident, and of plans in late 1963 and early 1964 for extending the war into the north. In the first case, Mr. McNamara either was not frank in his answer or he was implicitly admitting that his own subordinates had escaped his control in preparing such a draft. In the second case, he was simply

not honest. The Times quotes a memo from Mr. McNamara to the President dated December 21, 1963 concerning CIA and U.S. military plans for operations in the north. He wrote:

They (the plans) present a wide variety of sabotage and psychological operations against North Vietnam from which I believe we should aim to select those that provide maximum pressure with minimum risk."

A careful examination of the Foreign Relations Committee hearings and related documents show, when compared with the documents in the New York Times, a consistent pattern of deception by the Defense Department about the state of American military preparations and planning prior to the Gulf of Tonkin incident.

There can be no excuse for failing to tell the truth years after the fact. The documents show that we became involved in Vietnam, not to protect that country, but for many extraneous reasons and mainly to prevent our own humiliation. Obviously that is why the Defense Department officials did not want to admit even later what they had done.

But I cannot understand why the present administration has joined in the effort to suppress the truth. Their actions implicate them in the conspiracy of silence.

Mr. President, for the information of Senators and the American public, I ask unanimous consent that the full text of the Foreign Relations Committee hearings on the 1964 Gulf of Tonkin incidents and supplementary documents be printed at this point in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

GULF OF TONKIN, THE 1964 INCIDENTS

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room S–116, the Capitol Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Mansfield, Morse, Gore, Lausche, Church, Symington, Dodd, Clark, Pell, McCarthy, Hickenlooper, Aiken, Carlson, Williams, Mundt, Case, and Cooper.

Also present: Senators Gruening, Morton, and Percy.

The CHAIRMAN. The committee will come to order.

The Committee on Foreign Relations is meeting this morning in executive session to hear the Secretary of Defense.

Mr. Secretary, I am very grateful to you for coming before the committee this morning in this executive session.

You have had a long and arduous experience in serving your country for some 7 years. I know from my own knowledge that it has been an extraordinarily gruelling tour of duty for you and I believe you have applied your talents and energy far beyond the call of duty. You appear to have survived remarkably well, I may say.

I recall with satisfaction the several meetings and conversations I have had with you during these 7 years. You have always been responsive and in good humor and, I for one, regret to see you leave the Government at this very perilous time in our history. I know, of course, that your new assignment is a very important one and I am sure you will discharge your responsibilities with efficiency and with honor.

I should like to add as a personal observation that I am very pleased that your lovely wife Marge has returned home from the hospital and I know that eases your troubles.

ESTABLISHING TRUTH OF TONKIN GULF INCIDENTS

My view of the purpose of this hearing is simply to review the decisionmaking process of our Government in time of crisis. I am interested only in establishing the truth about the Tonkin Gulf incidents of August 2 and 4, 1964. The purpose is not to assess blame on anyone, certainly not upon you. Personally, I have long since acknowledged publicly my own shortcomings in connection with the affair. I am a firm believer in the idea that to acknowledge my mistakes of yesterday is but another way of saying I am a wiser man today.

But this committee and the Government we hope will continue long after you and I are gone and there will be crises in the future and I think it will be helpful to future Senators and future Secretaries of State and even future Presidents if we review past decisions of importance and evaluate them in the light of subsequent developments. This is one of the ways we can help develop a wiser and more mature procedure and judgment in the future.

If this Nation cannot learn from its past performance and acknowledge where it has been wrong or insufficient to the task, then the United States will become servile to its past—and suffer for this servitude.

Mr. Secretary, you have shown your fondness for T. S. Eliot on other occasions, particularly Eliot's thoughts in "Little Gedding." You will therefore appreciate the thought behind Eliot's words:

"History may be servitude,
"History may be freedom."

Mr. Secretary, I believe all of us here share your own desire that the United States profit from its mistakes—not repeat them.

As is customary in these proceedings, you may have the opportunity to make an open statement if you desire, which I understand you have prepared. I would hope that in your statement you will describe the military and political situation as it existed during the spring and summer of 1964, in this country and in Vietnam. If you can refresh our memory about the background conditions relative to which the incidents of August 1964 took place, I believe it will be most helpful.

Before I yield to the Secretary, I should like to submit to my colleagues on the committee the suggestion that after the Secretary concludes his opening remarks, I should like to proceed with the questioning in accordance with the questions prepared by the staff in order to develop these complicated events and communications in as orderly a manner as possible. I shall, of course, be very glad to yield for questions or suggestions from the members as we go along, but I do believe if we are to understand these events and make an intelligible record, a systematic, more or less chronological approach, should be followed. After I have submitted the prepared list of questions, I shall call upon all members in the usual manner. I hope this is agreeable to the committee.

The Secretary does have a prepared statement which I understand he would like to read.

LETTER RELATING TO THE HEARING

I wish to put into the record also, Mr. Reporter, a copy of the letter relating to this hearing which was sent to the Secretary.

(The letter referred to follows.)

FEBRUARY 7, 1968.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I refer to our telephone conversation of yesterday concerning your scheduled appearance before the Committee on the incidents in the Gulf of Tonkin.

As I said during our conversation, I appreciate your concern that your testimony be fully responsive to the wishes of the Committee. Therefore, I can understand your interest in the internal working paper done by the staff. As I said to you, however, the Committee does not wish at this time to release the staff study. Moreover, the information used in the staff study is drawn entirely from data provided by your office; so there will be no surprise there. At the same time, I know that the Committee staff does not have all information available to you on the Tonkin incidents. As I told you, however, I am enclosing a list of the documents your Department has supplied the Committee. If there are any questions about the material, please have your office contact the Committee staff.

In any event, the interest of the Committee is not in a discussion of the staff study, but in your testimony of August 6, 1964, and Ambassador Stevenson's statement to the United Nations of August 5 in light of any information your office may have acquired since the incidents in the Gulf of Tonkin.

Therefore, in the interest of a thorough discussion on February 20, the Committee will make available to your office a copy of the transcript of the testimony of August 6, 1964, (Ambassador Stevenson's presentation is, of course, a matter of public record.) I would hope that you will be able to review this transcript and bring the Committee up to date on what we now know of the incidents in the Gulf of Tonkin. The Committee is particularly interested in discussing what lessons have been learned about the problems of analyzing information in the midst of a crisis situation.

Finally, as I mentioned to you during our conversation, I would like to renew my request of January 8th that the Department of Defense provide the Committee at the earliest possible date with a report done by the Weapons System Evaluation Group on the subject "Command and Control of the Tonkin Gulf Incident, 4–5 August 1964."

I look forward to seeing you on February 20.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

The CHAIRMAN. Mr. Secretary, my own view is that this statement of yours should not be made public until after the committee has had an opportunity to go through the hearings, and also to decide what it does about its own staff report and the hearings. This is an executive meeting and I hope that you will be willing to retain that. I realize there will be pressures upon you, as there are upon the committee, for release of these documents, but I would think it is premature to do so.

STATEMENT OF HON. ROBERT S. MCNAMARA, SECRETARY OF DEFENSE; ACCOMPANIED BY GEN. EARLE G. WHEELER, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, AND CAPT. H. B. SWEITZER, U.S. NAVY, MILITARY ASSISTANT TO THE CHAIRMAN, JOINT CHIEFS OF STAFF

Secretary MCNAMARA. Mr. Chairman, I very much appreciate your personal kind wishes and compliments. It has been a most satisfying 7 years to me, made more so by the courtesy with which I have been treated by this committee on my numerous occasions before it.

I might also say I share T. S. Eliot's belief that history may be freedom, and I look forward to the development of our discussions here today in a way that will make it freedom and not servitude.

I do have a statement which I would like to present to the committee at this time. I have not released it to the press. I told my associates that we should not do so. We have submitted to the committee some 200 copies

of it so they may release it. I doubt very much that we will be able to withstand the pressures of the press today without releasing it. We have been deluged by requests for it.

RELEASING OF DOCUMENTS

Senator MORSE. Can I only say, Mr. Chairman, on a procedural matter, I quite agree with the Secretary. I do not think we ought in any way to place any restrictions on the Secretary in regard to releasing anything he wants to release. I know you did not so imply. But I think the judgment of the Secretary should prevail in regard to what the Department of Defense releases, and I think the judgment of the committee should prevail in regard to what we should release.

The CHAIRMAN. The only thing I was suggesting——

Senator MORSE. It is in keeping with the division of powers doctrine.

The CHAIRMAN. I thought it would be much fairer if we could arrange to release them simultaneously. For example, the staff report would present only one side of the picture, as would the Secretary's statement. I think it would be too bad if this goes out and nothing else. That is a matter for the committee to determine, I grant.

Senator MORSE. I still would not want to—I would personally not be a party to placing any restriction on the Secretary.

The CHAIRMAN. The point I am trying to make is that much of the information which we have is confidential and cannot be released. Whereas a great many of the documents to which the Secretary refers, but does not incorporate, are also confidential. I would submit that it is a very one-sided picture to release only the statement.

Senator MORSE. It is one-sided only if the committee leaves it that way.

The CHAIRMAN. I grant that. But it is only a matter of time. We have not had a chance to read the Secretary's statement. We only received this statement an hour ago and it is a matter of timing.

Senator MORSE. I understand.

The CHAIRMAN. Does the Senator object for the committee to have time to consider the statement?

Senator MORSE. I would only object as to placing any restrictions on the Secretary at all.

The CHAIRMAN. I do not consider it placing restrictions. It is a matter for us to arrive at an understanding as to when we do it.

Senator GORE. Mr. Chairman.

The CHAIRMAN. Yes?

Senator GORE. There is a question here. We are having an executive session. Could we not defer judgment on this until we have had a chance to read it?

The CHAIRMAN. That is what we normally do. That is what I was suggesting until we receive it; the committee makes up its own mind usually afterward, this afternoon, for example.

Senator GORE. The point I was attempting to raise, I find a great deal of appeal in what Senator Morse has said, but I think it must be interpreted in the light of the fact that we are dealing here with classified materials and having an executive hearing. The release of a statement in executive hearing, used in an executive hearing, has not, so far as I can recall, been done except by permission of the committee.

I remember one time when I was chairman of a subcommittee, Secretary Rusk was appearing, and the question of releasing his statement was submitted to the committee, and the committee voted unanimously to approve its release. I dare say it might do so—we might do so, after hearing this, but I would like to defer judgment on it.

The CHAIRMAN. That is all right.

PROCEDURAL RIGHT OF WITNESS

Senator MORSE. Can I take 30 seconds more? I do not want to be a stickler or make a tempest in a teapot, but I do think, gentlemen, you are dealing here with a procedural matter that you should not set a precedent on. I do not think that at any time a committee of the Congress has the right to call into executive session a Cabinet officer or anyone who is really a spokesman for the administration and seek to impose any restriction on that witness in regard to anything that he says in that executive session in respect to his right to make any comment after the meeting is over or release any statement he wants to make after the meeting is over.

Speaking hypothetically, although the Secretary has made very clear his willingness to oblige you, I am not talking about his willingness to oblige but I am talking about what I consider to be a very, very important basic procedural right of the administration witness under the separation powers doctrine. I have never transgressed upon it knowingly, and I am not going to let the administration at any time transgress upon our corresponding right under the same doctrine. Therefore, I think we ought to deal with each other on the basis that we know what these respective rights are and seek to place no restriction on each other. That is my point.

I took the same position, you will recall, in the MacArthur hearings when there was an attempt, in my judgment, on the part of the committee then to infringe the rights of the administration under the doctrine there. I take the same position this morning.

Senator HICKENLOOPER. Mr. Chairman.

The CHAIRMAN. Senator Hickenlooper.

RESPONSIBILITY FOR RELEASING A STATEMENT

Senator HICKENLOOPER. I think we have a rather complicated situation here which is not necessarily one under the control of the Secretary or of the committee. It may be more under the control of the committee than of the Secretary.

I would say that the Secretary has no right whatsoever under our procedure to release a transcript of this record where members question the Secretary and answers come in. On the other hand, I would say this, that the responsibility of releasing a statement on the sole responsibility of the Secretary or any other administrative official is the responsibility of that official of that department. I am not so sure we can control it. We can control what we release. I think it is a matter of some kind of an understanding.

I am thoroughly sympathetic with what you have said, Mr. Chairman, about piecemeal releases of these things. I hate to read about them even though they have not been released—I hate to read about them in Time magazine or the New York Times or other papers of that kind, where we have to get some of our information from there. That makes us quite restless but apparently there is nothing we can do about it, and sometimes what goes on in this committee at least seems to be approximative in some of those news releases of certain columnists and so on.

So it is a problem that has its various facets. But so far as a straight statement of the Secretary, I would say that we have no authority to inhibit him from a straight statement he wants to make to the public on his own responsibility without regard to questions or answers or what anyone else has said, because when that occurs, then there is a dual responsibility there, not only on the questioner but the Secretary, and I hope we can control that.

But I do not know; it is a very difficult thing, and I am thoroughly sympathetic with the piecemeal——

The CHAIRMAN. I was not asserting any right to control it. It was merely a suggestion if there was some comity——

Senator HICKENLOOPER. If it is a question of comity, we can arrive at it.

The CHAIRMAN. He can keep it within his control.

Go ahead, Mr. Secretary.

NEWSPAPER REPORTS OF CLASSIFIED INFORMATION

Senator LAUSCHE. Mr. Chairman, having listened to what Senator Hickenlooper has just said, I feel obliged to make a statement that this body, vested with secret information of the most intimate character, dealing with the security of the United States, has been brought scandalously into disrepute by the frequency with which reports are carried in the newspapers of what is supposed to be done under closed executive meetings, and I do not feel content that we can wink at these leaks that are coming out of this committee. I am not satisfied with the statement that there is nothing we can do about it. Somebody is leaking things, whether it is a member. Members of the Senate, or whether it is members of the staff. I do not know who it is, but it is a terrible mistake that this body, related most intimately to matters that deal with the security of the United States, finds iself with newspapers reporting what takes place under confidential discussions.

It cannot be denied that these reports are being carried outside of the meeting. How do they get out? I think we ought to make an investigation. We ought to find out whether it is from the staff or where it emerges.

The whole world can laugh at us at what happened. It seems you do not need spies, all you have to do is look at the papers and fully you will find revealed what takes place confidenially in this room.

The CHAIRMAN. I wonder if we could get on with the testimony.

Senator AIKEN. I would like to observe that sometimes the leaks appear 2 or 3 days after they come out in the newspapers, which can hardly be in the category of a leak.

The CHAIRMAN. Let us get on.

Senator LAUSCHE. The chairman wants to get on with this matter, and I can understand why he would want to get on, but I will say to you with what you are trying to get on is not as significant as what I am trying to search out. Something is wrong with this committee.

Senator MORSE. Mr. Chairman.

The CHAIRMAN. I wonder if we could proceed.

Senator CLARK. Let us go ahead.

PLACING RESTRICTIONS ON ADMINISTRATION SPOKESMEN

Senator MORSE. We are not going to leave this record in this condition so far as the Senator from Oregon is concerned. I do not think we ought to take up the Secretary's time with quarrels of the committee, but, Frank, you were not here and you are not aware of what Senator Hickenlooper was talking about. We are not talking about what you are talking about. That was not raised. I had risen to the defense of what I think is a very important doctrine that always ought to prevail at our hearings when we have a Cabinet officer or anyone else from the administration here; namely, we should make no attempt to place any restriction on the spokesman of the administration regarding what he says to the press afterward and what he releases. The only suggestion was a very helpful intention by the chairman suggesting that the Secretary of Defense hold any statement when he goes out of this meeting such as releasing the testimony he is about to give us until we will have the whole record considered.

I only raised a point there, understanding the motivation of the chairman to be of the highest, that I would not support placing any restriction, under the separation-of-powers doctrine, on Secretary McNamara. That is how all this occurred. We were not talking, Frank, about the problem that you are raising, and I do not think we ought to be taking the time of the Secretary to be talking about that now. That is for us to handle in our own executive session.

The CHAIRMAN. Mr. Secretary, will you go ahead. I think we ought to proceed.

Senator LAUSCHE. I want to make this statement, and then I will close.

In the report that was filed by the staff, there was an addendum, and in the addendum there was stated that X contacted the staff and told about the truth that there were no missiles seen fired at our ships. Y spoke to the staff. Well, as a member of the bench for 10 years, when you begin offering that type of proof to establish a fact, I simply cannot accept it.

The CHAIRMAN. Proceed, Mr. Secretary.

STAFF STUDY REFUSED

Secretary MCNAMARA. Mr. Chairman, I have sought in my statement to be as responsive as I can to what I believe to be are the questions in the mind of the committee regarding the Tonkin Gulf incident. I have not had the advantage, however, or the privilege of exposure to the staff study that I know has been completed and circulated among you. I asked for that several weeks ago but was denied access to it, and I may, therefore, not entirely respond to all of the information that you wish to query me about. I will be very happy to take questions concerning the statement.

Senator MANSFIELD. Do I understand the Secretary requested a copy of the study and was denied?

The CHAIRMAN. That is correct. I also requested their command and control documents and it was denied.

Senator MANSFIELD. I was thinking of those in juxtaposition.

The CHAIRMAN. That is correct.

Senator GORE. Perhaps we can exchange those now. That might solve it.

The CHAIRMAN. I think we ought to go on. Go on, Mr. Secretary.

Secretary MCNAMARA. Let me comment, Mr. Chairman. These are not to be equated. You can have any raw material we have. We tried to supply all of it to you. Some of it is very highly classified, and we assume you will treat it with the care that its classification deserves. We also are quite willing to let you have evaluation reports, but only after we have ascertained that the authors of those reports had access to all the appropriate information. It turns out that the author of this particular study you mentioned did not have access. I never heard of the study when you requested it. General Wheeler was not aware of it. The author did not query General Wheeler or me about the actions we took today, or the actions of the Joint Chiefs, the National Security Council, or those the President took.

I do not think you want evaluative reports sent over here that are incomplete. Any report we have, you have access to, but only after it has been properly reviewed as to its reliability.

Your staff study is quite a different matter. I consider it a very serious handicap to me in appearing before you today to address these issues that have been reviewed and addressed and considered in your staff study, evidence of which is examined in your staff study, which evidence has never even been brought to my attention, but if you are willing to go ahead with the hearing on that basis, I am.

The CHAIRMAN. All of the staff was based upon material that come from your office, all of it. We gave you a complete list of every document and everything we had received and it is available to you as it was to us.

ADDENDUM TO STAFF STUDY

Secretary MCNAMARA. Senator Lausche has just stated it had an addendum to it that included information that was not available to me.

The CHAIRMAN. That was not used in the preparation of the staff study and it was purely an addendum of things that had happened outside of the documents which came from the Pentagon.

Senator LAUSCHE. Let me say, Mr. Chairman, that the addendum recited a number of contacts made by a staffman with persons unknown. Now it was offered as an addendum supposedly having an insignificant importance, but it is there. Three or four men who were supposed to have been in the Tonkin Bay are alleged to have said that there were no missiles fired. Who are the men? How did they contact them?

Senator COPPER. What weight was given to it?

Senator MANSFIELD. Mr. Chairman, I apologize for the interruption but I have to be up here on the floor.

The CHAIRMAN. I would hope the Secretary would be allowed to proceed.

Mr. Secretary?

ESSENTIAL FACTS ARE THE SAME TODAY

Secretary MCNAMARA. Mr. Chairman, on August 6, 1964, I appeared before this committee and testified concerning the attacks in the Tonkin Gulf on the destroyers U.S.S. *Maddox* and U.S.S. *Turner Joy*, and our response to those attacks.

Over 3½ years have passed since that time. However, even with the advantage of hindshight, I find that the essential facts of the two attacks appear today as they did then, when they were fully explored with this committee and other Members of Congress.

The relevant events, and their significance, were the subject of intensive debate in the House and Senate. Both my testimony and that of other officials of the Government reported the evidence that established conclusively the occurrence of these attacks on U.S. naval vessels operating in international waters. This evidence was available to us at the time of the decision to make a carefully tailored response to the attacks. In my testimony, I noted that, while sonar and radar readings may be subject to interpretation and argument because of sea and atmospheric conditions, we had intelligence reports of a highly classified and unimpeachable nature which established, without question, that the attacks took place on both August 2 and August 4.

PART PLAYED BY U.S. NAVAL VESSELS

Also fully explored at the time was the question whether the attacks on the *Maddox* and *Turner Joy* were in any way provoked by or related to certain South Vietnamese naval activity which occurred in the period from July 30 to August 4. As I stated then, and repeat now, our naval vessels played absolutely no part in, and were not associated with, this activity. There was then, and there is now, no question but that the U.S. Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnam's aggression. As I informed Congress, the boats utilized by the South Vietnamese were financed by the United States. But I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities, that they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort.

As the chairman noted in the Senate debates, he was informed that "our boats did not convoy or support or back up any South Vietnamese naval vessels" and that they were "entirely unconnected or unassociated with any coastal forays the South Vietnamese themselves may have conducted." He was so informed and the information was completely accurate. When the South Vietnamese conducted the first of their two naval operations against North Vietnamese targets during this period, the *Maddox* patrol had not even begun and the ship was at least 130 miles to the southeast. The attack on the *Maddox* on August 2 took place 63 hours after completion of this South Vietnamese naval operation. When the South Vietnamese boats conducted their second foray, the *Maddox* and the *Turner Joy* were at least 70 nautical miles to the northeast.

Senator CASE. I wonder if you could go a little more slowly. It is a little hard to understand.

The attack made against them on August 4 was almost a full day after this second South Vietnamese operation.

The facts thus show today, as they showed 3½ years ago, that attacks occurred against our ships both on August 2 and August 4, that we had available to us incontrovertible evidence of these attacks when the decision was made to make our limited and measured response, and that these attacks were in no sense provoked or justified by any participation or association of our ships with South Vietnamese naval operations. I would like briefly to review these facts with you.

REVIEW OF FACTS OF ATTACK

On the 2d of August 1964, the U.S.S. *Maddox* was engaged in a patrol in international waters in the Gulf of Tonkin. At no time during the conduct of her patrol did *Maddox* depart from international waters, or engage in any hostile act. Yet, while she was 28 miles from the coast of North Vietnam, on a course away from as coast, *Maddox* was attacked by three North Vietnamese torpedo boats. At least three torpedoes were directed by the boats at the *Maddox*, as well as machinegun fire. The *Maddox* avoided all torpedoes and, together with aircraft arriving on the scene from the U.S.S. *Ticonderoga*, repelled the attack and sank or damaged the attacking craft.

The attack on *Maddox* took place in daylight. North Vietnamese reports of their plans had previously been obtained from an intelligence source. The attacking craft were clearly seen by *Maddox* personnel and were photographed. The launching of the torpedoes by these PT boats was also observed as were the torpedo wakes passing near *Maddox*. Machinegun fire from the attackers was also observed and, indeed, one bullet was recovered—it is in our possession and I have it here this morning if you wish to inspect it.

This was an unprovoked attack on a ship of the United States on the high seas. Nevertheless, no reprisal by the United States was undertaken. The *Maddox*, fortunately, had avoided significant damage itself, and inflicted damage on the attackers. Since no rational motive for the attack was apparent, we believed it possible that it had resulted from a miscalculation or an impulsive act of a local commander. After the second attack, the chairman commented in Senate debate that I had stated, after the first attack on the *Maddox*, that I did not expect it to be repeated. He also noted that this showed how wrong I was.

On August 3, the day following, a note of protest was dispatched to the North Vietnam regime at the direction of the President. It concluded with the words: "The U.S. Government expects that the authorities of the regime in North Vietnam will be under no misapprehension as to the grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces." At the same time, the President made public his instructions to the Navy to continue and to add another destroyer to its patrols in the Gulf of Tonkin.

It was within this context that we received, at about 9:20 Washington time on the morning of August 4, information from an intelligence source that North Vietnamese naval forces had been ordered to attack the patrol.

Soon thereafter reports from the *Maddox* were received that the patrol was being approached by high speed surface radar contacts and that an attack appeared imminent. Other amplifying messages quickly followed and by about 11 a.m. we received a flash re-

port that our destroyers, then located some 60 to 65 miles from the coast of North Vietnam, were actually under attack. During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack. Throughout the remainder of the morning and early afternoon, flash message reports of the engagement, some ambiguous and some conflicting, continued to pour in. Frequent telephone contact was maintained with the commander in chief of the Pacific Fleet, Hawaii. The President was kept informed of these developments.

CONTRADICTIONS EXAMINED AND RECONCILED

During this period, I had a series of meetings with my chief civilian and military advisers in which the apparent ambiguities and contradictions in the reports were examined and reconciled to our satisfaction. We identified and refined various options for a response to the attack, to be presented to the President. Among these options was the air strike against the attacking boats and their associated bases, which option was eventually selected. As the options were identified, preliminary messages were sent to appropriate operational commanders alerting them to the several possibilities so that initial planning steps could be undertaken.

In the early afternoon, the National Security Council met, at which time we briefed the participants, including the President, on the available details of the attack. Shortly thereafter, having received the advice of the Joint Chiefs of Staff, we recommended to the President, and he approved, a response consisting of an air strike on the PT and Swatow boat bases and their associated facilities. During all of this time, the message reports of the engagement from the ships, plus other information of a very highly classified nature received during the attack, were being reviewed to eliminate any doubt that an attack on the destroyers in fact occurred.

For example, I saw a message from the onscene task group commander which expressed doubts as to the validity of many of the sonar reports. I discussed this message by telephone with the commander in chief, Pacific, and informed him that, although we would continue with the preparations, the reprisal strike would not be executed until we were absolutely positive of the attack. He of course agreed and in a later telephone call informed me that he was satisfied, from all the reports he had on hand, that an attack on our ships had taken place.

Finally, at about 6:30 p.m., Washington time, the message to execute the strike was transmitted by the commander in chief, Pacific.

Those are the essential details. To recapitulate, on August 2, one of our destroyers was attacked by North Vietnamese naval forces without provocation while on patrol on the high seas. Since the destroyer suffered no damage and had repulsed and damaged her attackers, and since the possibility seemed to exist that the incident was an isolated act, no further military response was made. North Vietnam was warned the next day, however, of the "grave consequences which would inevitably follow" another such attack. Furthermore, the President announced that the patrol would continue and would consist of two destroyers. The next night, the two destroyers were also attacked without provocation on the high seas by North Vietnamese naval forces.

When these facts were established to the complete satisfaction of all responsible authorities, we responded with an air strike on the facilities which supported the attacking vessels.

ACCURACY OF DETAILS STILL QUESTIONED

Now, three and a half years later, there again seems to be debate about the essential accuracy of the above account. The questions that appear now to be raised are the same as those considered and settled at the time:

Was the patrol in fact for legitimate purposes?

Were the attacks unprovoked?

Was there indeed a second attack?

If there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

I would like to address these questions.

WAS PURPOSE OF PATROL LEGITIMATE?

First, was the patrol in fact for legitimate purposes?

Patrols of the nature of those carried on by *Maddox* and *Turner Joy* were initiated in the western Pacific in 1962. They were carried out in international waters along the coastlines of Communist countries in that area. They were open patrols and no hostile actions were ever taken by the U.S. forces involved. Provocative actions were avoided. The purpose was to learn what we could of military activity and environmental conditions in these parts of the world, operating in waters where we had every legal right to be. The primary purpose of the *Maddox* was to observe North Vietnamese naval activity in those waters, in view of the evidence we had of infiltration by sea by North Vietnam into South Vietnam. Other secondary purposes were area familiarization and observation by visual and electronic means of any other activity of military interest. We had the undisputed right to do this. In view of our assistance to South Vietnam, such observations were needed.

The suggestion has appeared incidentally that because *Maddox*, prior to commencement of its patrol, took abroad certain communications equipment, with personnel to operate this equipment, its patrol had some different and presumably more sinister purpose than others which had preceded it. This is simply not true. The mission of observation which I have outlined was to be fulfilled with the regularly installed equipment of the ships. The extra equipment brought aboard *Maddox* consisted in essence of standard shipboard radio receivers added to the ship's normal complement of such receivers in order to give an added capability for detecting indications of a possible hostile attack on the patrol.

The Congress, at the time of the debates on the Tonkin Gulf resolution, was aware that visual and electronic surveillance of the area was one of the purposes served by the De Soto patrol. Any suggestion now that the installation of passive radio receiving equipment changed the essential nature of the patrol is unwarranted.

I might add that virtually all of the De Soto patrols, since their commencement in 1962, had been outfitted with similar equipment for the same primarily defensive purposes.

WERE THE ATTACKS UNPROVOKED?

Second, were the attacks unprovoked?

Senator MUNDT. Are you defining the De Soto patrol?

Secretary MCNAMARA. The term as I am using it here refers to the patrols in the Tonkin Gulf of which this was the fourth, one having occurred in 1962, one in 1963, and the third in the early part of 1964, and the fourth in August 1964. Actually it is a generic term covering a broader range of patrols in the western Pacific but as used in this paper it refers to the four patrols in the Tonkin Gulf.

Second, were the attacks unprovoked?

I have heard it suggested that the patrol provoked the attacks by intruding into the territorial waters of North Vietnam. The facts, I think, are these.

Prior to the first attack, on August 2, the *Maddox* had been engaged on its patrol since July 31. At no time during the conduct of this patrol did the *Maddox* depart from international waters. It had been instructed to approach the North Vietnamese coastline no closer than 8 nautical miles and any offshore island no closer than 4 nautical miles. *Maddox* adhered scrupulously to these instructions. When the patrol resumed with *Maddox* and *Turner Joy*, the ships were instructed to remain at least 11 miles from the coast. These instructions also were followed. The United States recognizes no claim of a territorial sea in excess of 3 miles. This consistent position of the United States was reemphasized at the close of the 1960 Convention on Law of the Sea in Geneva.

There have, however, been statements reported in the press that the *Maddox* entered into waters claimed by North Vietnam as territorial. Such statements have no basis in fact. At no time prior to the August 1964 Tonkin Gulf incidents did the North Vietnamese Government claim a width of territorial sea in excess of 3 miles. The North Vietnamese Government succeeded the French Government, which adhered to the 3-mile limit. Under the rules of international law, no claim by North Vietnam in excess of 3 miles would be assumed unless specifically made and published. It should be noted that Cambodia, a sister successor state, publicly adopted the French 3-mile rule on achieving independence. Later, it proclaimed a 5-mile limit. South Vietnam claims 3 miles. The first statement of North Vietnam which approaches a claim in excess of 3 miles occurred well after the attacks on September 1, 1964, in the form of a broadcast from Radio Hanoi in which it was stated, "The Democratic Republic of Vietnam declared that the territorial sea is 12 miles." No official documentary confirmation of the claim asserted in this broadcast is known to exist.

In short, at no time during the patrol did either of the destroyers leave the high seas and enter areas claimed by the North Vietnamese or recognized by the United States as national waters.

The question might be asked, however: Should not we as a practical matter have assumed a claim of 12 miles since this is the uniform position of the Communist countries? The simple answer is that Communist countries do not have such a uniform position: Cuba and Poland each adhere to the traditional 3-mile limit, while Yugoslavia and Albania claim 10 miles.

SOUTH VIETNAMESE OPERATIONS

Another point relating to "provocation" was discussed and disposed of during the debates on the Tonkin Gulf resolution and the hearings prior thereto, but, of late, it seems to have been resurrected. It is the suggestion that our patrol was in some way connected with certain reconnaissance and bombardment activities of South Vietnamese patrol craft against North Vietnamese.

I informed members of this committee of these activities of the South Vietnamese in an informal meeting on August 3, 1964, after the attack on the *Maddox*. The subject was again raised in lesser detail in my testimony before this committee on August 6, 1964. I pointed out that these raids were a legitimate attempt by the South Vietnamese to counter and retaliate against the systematic infiltration of their country by sea which had been carried out by North Vietnam for the previous two and a half years. I described the scope of that infiltration; that is, 140 known incidents between July and December 1961, an estimated 1,400 infiltrators having been landed in South Vietnam during that time.

With respect to the legitimacy of those South Vietnamese operations, you, Mr. Chairman, stated during the Tonkin Gulf floor debates:

"The boats that may have struck at the coastal areas of North Vietnam may have been supplied by us. We have been helping

South Vietnam arm itself. I do not know about the specific boats.

"I personally think this is a perfectly legitimate and proper way to defend oneself from the kind of aggression South Vietnam has been subjected to for years.'

Senator Morse, at the hearing on August 6, specifically raised the question of a connection between our patrol and the South Vietnamese bombardment of two North Vietnamese islands which had occurred some two and a half days prior to the attack on the *Maddox*, and I responded that there was no connection. The two operations were separate and distinct. I informed you that our destroyers took no part whatsoever in the South Vietnamese operation. They did not convoy, support, or back up the South Vietnamese boats in any way. As I stated during the hearings:

"* * * as I reported to you earrlier this week, we understand that the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration.

Our ships had absolutely no knowledge of it, were not connected with it; in no sense of the word can be considered to have backstopped the effort.

That statement remains entirely accurate, I can confirm today that neither the ship commanders nor the embarked task group commander had any knowledge of the South Vietnamese action against the two islands or of any other specific South Vietnamese operations against the North. Higher naval commands were made aware of the operations by Commander, U.S. Military Assistance Command, Vietnam, in order to avoid mutual interference or confusion between our patrols and those operations.

DIRECTIONS TO U.S. DESTROYERS

Throughout the patrol conducted first by the *Maddox* alone and later by the *Maddox* and the *Turner Joy*, the U.S. destroyers were directed to remain in waters which would keep them from becoming operationally involved with the South Vietnamese activity. The restrictions this imposed on the patrol were such that, at one time, consideration was given to its abandonment. The task group commander knew only that certain South Vietnamese naval operations were periodically carried on in the area. He had no detailed knowledge of their type or of where or when they would be conducted. Indeed, his lack of knowledge was such that he mistakenly identified the South Vietnamese craft returning from their operation of July 31 as Soviet P–6 class boats.

In point of fact, our patrols and the shore bombardments by South Vietnamese forces were separated in both time and space. When South Vietnamese PTF's bombarded the islands of Hon Nieu and Han Me on the night of July 30–31, the *Maddox* had not even commenced her patrol, and was at least 130 miles to the southeast of the nearest of those islands. At the time of the attack on the *Maddox* on August 2, the South Vietnamese boats had been back at their base in Da Nang for almost 53 hours.

I learned subsequent to my testimony of August 6, 1964, that another South Vietnamese bombardment took place on the night of August 3–4. At the time of that action, the *Maddox* and *Turner Joy* were at least 70 miles to the northeast. The North Vietnamese attack on *Maddox* and *Turner Joy* on the night of August 4 occurred some 22 hours later.

I think it important, too, in dealing with this issue, to recall that the President had announced publicly on August 3 that our patrol would continue and consist of two destroyers. It is difficult to believe, in the face of that announcement, and its obvious purpose of asserting our right to freedom of the seas, that even the North Vietnamese could connect the patrol of the *Maddox* and *Turner Joy* with a South Vietnamese action taking place some 70 miles away.

WAS THERE A SECOND ATTACK?

Now, thirdly, was there indeed a second attack?

I know of no claim that the attack on *Maddox* on August 2 did not occur. As for the second attack, the incident occurred on a very dark, moonless, overcast night. As would be expected under these conditions, some uncertainty existed, and to this day exists, about some of the precise details of the attack. But there should be no uncertainty about the fact that an attack took place. The evidence pertaining to the incident is reviewed in the following paragraphs.

On the evening of August 4, 1964, Task Group 72.1 consisting of U.S.S. *Maddox* and U.S.S. *Turner Joy*, with COMDESDIV 192 embarked in *Maddox* and acting as CTG 72.1, was proceeding on an easterly course in the Gulf of Tonkin at a speed of 20 knots. At about 7:40 p.m., Tonkin Gulf time,[1] the task group commander, Capt. J. J. Herrick, USN, observed on the surface search radar at least five contacts, which he evaluated as probable torpedo boats, located about 36 miles to the northeast of the two ships. At 7:46 p.m., *Maddox* and *Turner Joy* changed course to 130 and increased speed to 28 knots to avoid what the task group commander had evaluated as a trap.

Shortly after 9 p.m., both ships' radars held contacts approximately 14 miles to the east. These contacts were on course 160, speed 30 knots. At that time the two U.S. ships were approximately 60 miles from the North Vietnamese coast.

At about 9:39 p.m., both *Maddox* and *Turner Joy* opened fire on the approaching craft when it was evident from their maneuvers that they were pressing in for attack positions. At about this time, the boats were at a range of 6,000 yards from *Maddox* when the radar tracking indicated that the contact had turned away and begun to open in range. Torpedo noises were then heard by the *Maddox*'s sonar. A report of the torpedo noise was immediately passed to the *Turner Joy* by intership radio and both ships took evasive action to avoid the torpedo.

REPORTS OF EYEWITNESSES

A torpedo wake was then sighted passing abeam *Turner Joy* from aft to forward, approximately 300 feet to port on the same bearing as that reported by *Maddox*. This sighting was made by at least four of *Turner Joy's* topside personnel: the forward gun director officer, Lt. (jg.) John J. Barry, USNR; the port lookout, Edwin R. Sentel, SN, USN; by a seaman who was in the forward gun director with the director officer, Larry O. Litton, SN, USN; and by a seaman who was operator of the after gun director, Roger N. Bergland, SN, USN.

At about 10:24 p.m., one target was taken under fire by *Turner Joy*. Numerous hits were observed on this target and it disappeared from all radars. The commanding officer and other *Turner Joy* personnel observed a thick column of black smoke from this target.

Later, 10:47 p.m., during the attack a searchlight was observed by all signal bridge and maneuvering bridge personnel including the commanding officer of U.S.S. *Turner Joy*. The beam of the searchlight did not touch the ship, but was seen to swing in an arc toward *Turner Joy* and was immediately extinguished when aircraft from the combat air patrol orbiting above the ships approached the vicinity of the searchlight. (Walter L. Shishim, QMCS, USN; Richard B. Johnson, SM1, USN; Richard D. Nooks, QM 3, USN; Richard M. Bacino, SM2, USN; and Gary D. Carroll, SM3, USN, stationed on the *Turner Joy's* signal bridge all made written statements that they sighted the searchlight.

The silhouette of an attacking boat was seen by at least four *Turner Joy* personnel when the boat came between the flares dropped by an aircraft and the ship. When these four men were asked to sketch what they had seen, they accurately sketched P–4-type boats. (None of the four had ever seen a picture of a P–4 boat before). (Donald V. Sharkey, BM3, USN; Kenneth E. Garrison, SN, USN: Delner Jones, GMG SN, USN, and Arthur B. Anderson, FT SN, USN, are the four personnel from the *Turner Joy* who sighted the boat.)

In addition to the above, a gunner's mate second class stationed aft of the signal bridge aboard U.S.S. *Maddox* saw the outline of a boat which was silhouetted by the light of a burst from the 3-inch projectile fired at it. (Jose R. San Augustin GMG2, USN.)

The commanding officer of Attack Squadron 52 from the *Ticonderoga* (Comdr. G. H. Edmondson, USN) and his wingman (Lt. J. A. Burton), while flying at altitudes of between 700 and 1,500 feet in the vicinity of the two destroyers at the time of the torpedo attack both sighted gun flashes on the surface of the water as well as light antiaircraft bursts at their approximate altitude. On one pass over the two destroyers, both pilots positively sighted a "snakey" high speed wake 1½ miles ahead of the lead destroyer, U.S.S. *Maddox*.

Two U.S. Marine Corps personnel who were manning machineguns on U.S.S. *Maddox* saw lights pass up the port side of the ship, go out ahead, and pass down the starboard side. Their written statement asserts their belief that this was one or more small boats at high speed. (These were Matthew B. Allasre, SGT, USMC, and David A. Pronty, L/CPL, USMC.)

INTELLIGENCE REPORTS

In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time. The same source reported, while the engagement was in progress on August 4, that the attack was underway. Immediately after the attack ended, the source reported that the North Vietnamese lost two ships in the engagement.

No one within the Department of Defense has reviewed all of this information without arriving at the unqualified conclusion that a determined attack was made on the *Maddox* and *Turner Joy* in the Tonkin Gulf on the night of August 4, 1964. Vice Adm. Roy L. Johnson, USN, commander of the U.S. 7th Fleet at the time, stated in his review of the combined chronology and track charts submitted by the task group commander:

"Commander, Seventh Fleet, is convinced beyond any doubt that Maddox and Turner Joy were subjected to an unprovoked surface torpedo attack on the night of 4 August 1964."

Adm. T. H. Moorer, then commander in chief, Pacific Fleet, concurred in that appraisal.

In Washington, the Director of the Joint Staff, Lt. Gen. David A. Burchinal, USAF, analyzed the incoming information from message traffic, with the assistance of the Joint Staff. He then gave his evaluation to the Secretary of Defense: "The actuality of the attack is confirmed."

In the face of this evidence, I can only conclude that many of the persistent questions as to whether or not an attack took place must have arisen from confusion between the August 4 attack and another incident which occurred on the 18th of September 1964; that is, about 45 days later. At that time, the U.S. destroyers *Morton* and *Edwards*

[1] To convert local Tonkin Gulf time to e.d.t. subtract 12 hours.

were patrolling, at night, in the Gulf of Tonkin, and initially reported themselves under attack. While the ensuing situation reports indicated the probability of hostile craft in the area of the patrol, it was decided at both the Washington and field command levels that no credible evidence of an attack existed. It should be noted that the intelligence source that confirmed the attacks of August 2 and 4 provided no evidence of any enemy action on September 18. In view of our unresolved doubts, no retaliatory action was taken. Many individuals who were not aware of all of the facts about all three incidents, that is, August 2 and 4, and September 18, have made the mistaken assumption that descriptions of the September 18 incident were referring to the second Tonkin Gulf incident. Aware of the negative findings on September 18, they have mistakenly assumed that there is serious doubt as to whether the "second" Tonkin Gulf attack in fact took place.

REPORTS FROM CAPTURED NORTH VIETNAMESE NAVAL PERSONNEL

As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the August 2, 1964, attack on the *Maddox*, and his account of that attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated the Swatows could have been used for that attack. His disclaimer of PT participation is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants.

SUFFICIENT EVIDENCE AVAILABLE TO SUPPORT CONCLUSION

Now, finally, if there was a second attack, was there sufficient evidence available at the time of our response to support this conclusion?

Some of the details cited above, particularly the statements of eyewitnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

Reports from the ships that they were being approached by the high speed vessels and an attack appeared imminent.

Reports from the ships that they were under attack.

A report from the ships that searchlight illumination had been utilized by the attacking craft and that gunfire against the patrol had been observed.

A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

An intelligence report stating that North Vietnamese naval forces had reported that they were involved in an engagement

Reports from the US ships that they had sunk two and possibly three of the attacking craft

An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement

A report from the onscene task group commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

A report from the commander in chief, Pacific, that he had no doubt that an attack had occurred.

All of this information was available prior to the time the Executive order was issued.

MONSTROUS INSINUATIONS

As a final point, I must address the suggestion that, in some way, the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take the retaliatory action which we in fact took. I can only characterize such insinuations as monstrous.

The effective repulsion of the August 2 attack on the *Maddox* with relatively high cost to the small North Vietnamese Navy, coupled with our protest which clearly and uniquivocally warned of the serious consequences of a recurrence, made us confident that another attack was unlikely. The published order of the President that the destroyers should continue to assert the right of the freedom of the seas in the Gulf of Tonkin, and setting forth the composition of the patrol, should have served to avoid any further misunderstanding. As the patrol resumed the ships were ordered to remain 11 miles from the coastline in lieu of the 8 miles ordered on the previous patrols, hardly indicative of an intent to induce another attack. As a matter of fact, on their own initiative the two ships approached the coastline no closer than 16 miles during their patrol. But beyond that, I find it inconceivable that anyone even remotely familiar with our society and system of Government could suspect the existence of a conspiracy which would include almost, if not all, the entire chain of military command in the Pacific, the Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Secretary of Defense, and his chief civilian assistants, the Secretary of State, and the President of the United States.

Mr. Chairman, that concludes my statement, and I will be very happy to try to answer any questions.

The CHAIRMAN. Thank you, Mr. Secretary.

I would like to have a few preliminary questions with regard to the situation under which this whole affair took place. I don't think they are very difficult to answer.

INTERNAL TROUBLES OF KHANH GOVERNMENT

Mr. Secretary, is it true that the government of General Khanh which overthrew the Minh junta in January 1964 was in serious trouble by the spring and early summer of 1964?

Secretary MCNAMARA. I think there was considerable dissension among the members of the government, Mr. Chairman, and there was then and later a series of changes in the government as a result of that dissension.

The CHAIRMAN. Did you not say recently on "Meet the Press," and I quote: "Three and a half years ago the South Vietnamese forces were on the verge of defeat. The North Vietnamese and Vietcong forces were on the verge of victory."

Is that accurate?

Secretary MCNAMARA. Mr. Chairman, if I said that, I misestimated the date. What I was talking about—I think later in that same broadcast I specifically referred to it, was July 1965. I should have said two and a half years ago. That was the reference I was making.

The CHAIRMAN. That is a quote from just 2 weeks ago.

Secretary MCNAMARA. It may be, Mr. Chairman. I would have to have the full transcript of what I said. I believe I mentally deducted July 1965 from January 1968 and came to three and a half and it should have been two and a half. And I believe I also corrected that in the succeeding sentence, or later in the discussion. In any case, what I was talking about was July 1965, at the time the President made the decision to send the large increment of U.S. combat troops.

The CHAIRMAN. In July of 1964 General Khanh delivered a major address calling for carrying the war to the north. Did General Khanh press the U.S. Ambassador in Saigon for further U.S. involvements in the war in Vietnam, and particularly for a commitment to take the war into the north?

Secretary MCNAMARA. Mr. Chairman, I would have to check the record on that. I don't believe he did.

The CHAIRMAN. Well, I think the record shows that in his speech, I don't know what reference you have—

Secretary MCNAMARA. You asked did he press the U.S. Ambassador. I don't believe the record will show he did press the U.S. Ambassador to take the war to the north.

EXTENT OF U.S. PARTICIPATION IN SVN OPERATIONS AGAINST NORTH IN 1964

The CHAIRMAN. Mr. Secretary, would you describe the organization, the extent of U.S. participation in South Vietnamese operations against the north during 1964?

Secretary MCNAMARA. I can't describe the exact organization although I will be happy to try to obtain the information for you.

The operations of the South Vietnamese against the North were carried out by South Vietnamese personnel, utilizing to some degree U.S. equipment. The boats, as I think I stated before this committee in August 1964, were, I believe, wholly supplied by the United States. I was going to say, in part; I think they were wholly supplied by the United States.

The United States was informed of the operations to insure that they did not interfere with patrols of the kind that we are describing now.

I believe, also, some U.S. personnel may have trained, or participated in the training, of some of the South Vietnamese personnel participating in the operations.

The operations, however, were under the command of the South Vietnamese and were carried out by the South Vietnamese. There were no U.S. personnel participating in it, to the best of my knowledge.

AMOUNT OF U.S. TRAINING AND SUPPLIES

The CHAIRMAN. Do you recall, what did America do beyond training and supplying the equipment, do you know? You should know.

Secretary MCNAMARA. No. In the first place, I don't believe we carried on all the training, although I think there were some U.S. personnel participating in it.

In the second place, we did provide some of the equipment, but I don't believe we provided all of it.

Thirdly, we were informed of the nature of the operations but we did not participate in them and we did not command them.

The CHAIRMAN. The information provided by the Department of Defense reveals that the U.S. Navy trained South Vietnamese for interdiction missions against North Vietnam beginning in June of 1964. These missions included the bombardments of North Vietnamese positions from both the sea and air; did they not?

Secretary MCNAMARA. I don't believe there were any air bombardment missions.

However, I would add, I don't believe the training started as your question implied, in June of 1964. I think it must have started earlier than that.

The CHAIRMAN. Well, it was at least by June of 1964 and possibly it did before that.

EXTENT OF U.S. PARTICIPATION IN TRAINING MISSIONS

I don't believe, however, that this committee or the Congress was informed of these training missions for this purpose; were they?

Secretary McNAMARA. When you say training missions, they weren't training missions. They were U.S. personnel. I don't know whether Navy, or Army, or some other service personnel—who were training them.

The CHAIRMAN. The point I wish to make is at that time we had not declared war or even a substitute for a declaration against North Vietnam, had we?

Secretary McNAMARA. No; certainly not.

The CHAIRMAN. Yet we did participate in the missions which were for the specific purpose of attacking the north?

Secretary McNAMARA. We did not participate in the mission.

The CHAIRMAN. No; in the training.

Secretary McNAMARA. In the training of personnel for that purpose. I made very clear at the time, if I may emphasize, Mr. Chairman, that we supplied the equipment to some degree for most missions and the public debate bore reference to my statement on that subject.

The CHAIRMAN. Yes.

SIZE OF U.S. MILITARY CONTINGENT IN SVN IN 1964

Can you give us the size of the military contingent in South Vietnam in the spring of 1964, approximately?

Secretary McNAMARA. Total U.S. military personnel in South Vietnam in the spring of 1964, I would guess, was on the order of 12,000 or 15,000.

Senator LAUSCHE. It must have been more than that because when President Kennedy lost his life it was 18,000, and he lost his life in 1963.

Secretary McNAMARA. I believe it was 16,000 at the end of 1963. I think it dropped a little bit, but it was on the order of 16,000, Senator Lausche.

In any case, I will check and clear the record.

DISCUSSION OF EXTENDING U.S. MILITARY ACTIONS TO NORTH

The CHAIRMAN. According to an article written by Hansen Baldwin of the New York Times in July of 1964, the Pentagon at that time was arguing in favor of extending the war into North Vietnam. Were there, in fact, recommendations by the U.S. military at any time from late 1963 until July of 1964 to extend the war into the north by bombing or any other means?

Secretary McNAMARA. Mr. Chairman, I would have to check the record on that.

When he says the Pentagon argued for extending the war to the North, I don't know who the Pentagon is——

The CHAIRMAN. Well, but——

Secretary McNAMARA. May I finish my answer?

I know it wasn't me.

The CHAIRMAN. Was it General Wheeler?

Secretary McNAMARA. Whether there were any recommendations from the Chiefs recommending extension of the war to the North during that period, I can't recall. I will be very happy to check the record and put the proper answer in the record.

(The following answer was later supplied:)

"We have identified no such recommendation. A check of the records of the Joint Chiefs of Staff is continuing."

The CHAIRMAN. I wonder if General Wheeler knows that at this time?

General WHEELER. I don't believe so, Mr. Chairman. I think that the proper answer would be that there were certain intelligence activities [deleted] but to the best of my knowledge and belief during that period there was no thought of extending the war into the North in the sense of our participation in such actions, activities.

The CHAIRMAN. You can supply any change?

General WHEELER. I will check for the record.

CONTINGENCY DRAFT OF SOUTHEAST ASIA RESOLUTION

The CHAIRMAN. Mr. Secretary, did you see the contingency draft of what became the Southeast Asia resolution before it was ready?

Secretary McNAMARA. Mr. Chairman, I read in the newspaper a few weeks ago there had been such a contingency draft. I don't believe I ever saw it. I called Mr. Bundy myself to ask him if he had any recollection that I ever saw it. He states he has no recollection that I did, and he believes I did not.

But I can't testify absolutely that I didn't. My memory is not clear on that.

The CHAIRMAN. Mr. Bundy told this committee that this draft was prepared some months before the Tonkin incidents in the hearing. You know that.

Secretary McNAMARA. I know that, but I don't think he said I saw it.

The CHAIRMAN. No, I was asking you, you don't think you saw it?

Secretary McNAMARA. I don't believe I saw it, and he doesn't believe I saw it.

The CHAIRMAN. Isn't it customary for the State Department to consult you on a matter of this kind?

Secretary McNAMARA. Well, if it were a working paper, and apparently that is what it was, no. It hadn't advanced to a point of decision within the Government.

SENDING UNITS TO SOUTH VIETNAM AND THAILAND

The CHAIRMAN. Mr. Secretary, the most immediate result of the Tonkin incidents were the deployment of U.S. fighter bomber aircraft into South Vietnam, into Thailand, and a movement of interceptors to South Vietnam; is that not so?

Secretary McNAMARA. I would want to check the movement, Mr. Chairman. I don't recall there were any movements after that. As you remember, we had the strike, the night of the 4th, and then I don't believe there were any other air strikes until February the following year, nor do I recall any movement of air units into Thailand or South Vietnam during the period.

May I check the record of that and then introduce the facts?

(The following answer was later supplied:)

"The records of the Department are being examined to determine which air units were moved to South Vietnam or Thailand between the Tonkin Gulf incidents and February 1965."

The CHAIRMAN. I think for the record that the attack was on the morning of the 5th, wasn't it, following——

Secretary McNAMARA. It was the 4th, sometime. The launch took place about 10 p.m., the night of the 4th.

The CHAIRMAN. You mean Washington time?

Secretary McNAMARA. Washington time.

The CHAIRMAN. Well, I was just trying to translate it.

Secretary McNAMARA. Right.

The CHAIRMAN. Local time the attack took place at night and of the 4th and we attacked approximately 10 or 12 hours later; is that correct, General?

Secretary McNAMARA. That is correct.

General WHEELER. It would be the morning of the 5th, Saigon time, Mr. Chairman.

The CHAIRMAN. General, maybe you can answer the question I just asked. Maybe you are more familiar with military equipment. Is it not true that fighter bombers were moved into Vietnam and Thailand immediately after this took place?

General WHEELER. We moved some bombers in 1964, but I don't have the exact dates, but you are speaking particularly about aircraft. I would have to——

The CHAIRMAN. Fighter bomber aircraft.

General WHEELER. I would have to check that and supply it for the record.

The CHAIRMAN. I wonder if you would answer this and supply if you cannot now: Were these units alerted to impending movement prior to the Tonkin incidents?

General WHEELER. To the best of my knowledge, not, Mr. Chairman, but I will check that, also, and make sure.

The CHAIRMAN. Would you check whether or not you were considering sending these units to South Vietnam and Thailand prior to the Tonkin incidents?

General WHEELER. I will check that particular point.

(The following information was later supplied:)

"We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing."

TIMING OF MILITARY DEPLOYMENT

Senator MORSE. Mr. Chairman, just to supply something for the record, I don't want to involve this, but I think it helps the Secretary, but we have the Secretary's testimony before the committee on August 6, 1964, in which he said:

"Certain military deployments to the area are, therefore, now underway. These include (*a*) transfer of attack carrier group from the Pacific coast to the western Pacific, (*b*) movement of interceptor and fighter bomber aircraft into South Vietnam, (c) movement of fighter bomber aircraft to Thailand, (*d*) transfer of interceptor and fighter bomber squadrons from the United States to advance bases in the Pacific, (*e*) movement of an antisubmarine force into the South China Sea, (*f*) the alerting and readying for movement of select Army and Marine forces.

"In the meantime, U.S. destroyers with protective air cover as needed, continue their patrol in the international waters of the Gulf of Tonkin.

"The moves we have taken to reinforce our forces in the Pacific are in my judgment sufficient for the time being. Other reinforcing steps can be taken very rapidly if the situation requires.

"This concludes my descriptions of the two deliberate and unprovoked North Vietnamese attacks on U.S. naval vessels on the high seas; of the United States reprisal against the offending boats, their bases and related facilities; and of the precautionary deployment and alerting steps we have taken to guard against any eventuality."

I just assume the chairman got his information from that testimony.

Secretary McNAMARA. I will be very happy to determine when those movements were first initiated, when the units were put on alert, and whether it occurred before the Tonkin Gulf incidents. I don't recall that information.

INTENSIFICATION OF U.S. INVOLVEMENT

The CHAIRMAN. Mr. Secretary, if there had not been a Tonkin incident would you have recommended to the President and Congress that the United S ates step up its military assistance to South Vietnam because of the security problem facing General Khank?

Secretary McNAMARA. Mr. Chairman, I think it is a speculative question. I would have recommended, I believe, that if the level of infiltration continue to grow as it did—and it grew very substantially in the latter part of 1964—that we provide additional assistance.

The CHAIRMAN. But to be more specific, was there any plan for such an intensification of the U.S. involvement?

Secretary MCNAMARA. No; not that I can recall.

The CHAIRMAN. Did it then include the bombing of North Vietnam?

Secretary MCNAMARA. Not that I know of, Mr. Chairman.

I don't mean to say that contingencies and targets hadn't been examined, because they had been, prior to that time, but there was no plan for further buildup that I can remember, and no plan for the bombing of the north.

REASON FOR INTELLIGENCE-GATHERING VESSELS

The CHAIRMAN. Mr. Secretary, why was it necessary to send intelligence-gathering vessels into the Gulf of Tonkin in 1964?

Secretary MCNAMARA. For the same reason that it was necessary to do so in 1962 and 1963, and in the early part of 1964. To obtain information on the environment of the gulf, the movement of North Vietnamese naval forces in the gulf, and certain military installations on the shores of North Vietnam.

The CHAIRMAN. Did we wish this information, want to have this information on radar installations in order to be better able to attack North Vietnam by air from our aircraft carriers offshore?

Secretary MCNAMARA. I don't think that we wished to in 1964 for that reason any more than we wished it in 1963 or 1962, Mr. Chairman. I rather doubt that the people who were gathering the information had any basis for believing there would or would not be attacks on North Vietnam.

The CHAIRMAN. On August 6, 1964, in testifying for the Southeast Asia resolution, you described the patrols of the *Maddox* and *Turner Joy*—the ships involved in the incidents on August 2 and 4—as "engaged in a routine patrol in international waters of the Gulf of Tonkin."

Was the *Maddox* engaged in an electronic spy mission similar to the *Pueblo*?

Secretary MCNAMARA. I think that the equipment on the *Pueblo* was more sophisticated than that on the *Maddox*; at least I am told that by technical experts. The *Maddox* was engaged in the same kind of patrol that we carried on in the western Pacific 2 or 3 years prior to the time she was out there, and have carried on in many areas of the western Pacific since that time.

The CHAIRMAN. But was the purpose dissimilar to the *Pueblo*? It was an electronic spy mission, wasn't it?

Secretary MCNAMARA. No; the purpose was not primarily electronic, and, as I say, I haven't compared, myself, item by item, the equipment on the *Pueblo* and the *Maddox*: but I am told the *Maddox* had much less sophisticated equipment and less of it, and was less capable, therefore, of electronic surveillance. Electronic surveillance was one of her missions, but was not the only mission by any means, nor was it the primary mission.

PRIMARY MISSION

The CHAIRMAN. What was the primary mission?

Secretary MCNAMARA. The primary mission was to observe North Vietnamese naval patrols and the junk fleets in that area. We were concerned at that time, particularly, about infiltration by sea. As a matter of fact, it was a short time after that—about 2 or 3 months, I think—when the large U.S. sea patrol was established, known as Market Time operations.

Senator MANSFIELD. You mean North Vietnamese patrol; not U.S. patrols.

Secretary MCNAMARA. No; but the large U.S. patrol known as Market Time Operation was a few months after the Desoto patrol, because of our concern about infiltration by sea from the North to the South; and the Desoto patrol, in August, among other things, was collecting information that would lead to a consideration of the character of the infiltration from North to South. The Market Time patrols established by the United States after that, of course, took place off the coast of South Vietnam but they were based upon the kind of information that we obtained from Desoto patrols.

The CHAIRMAN. Mr. Secretary, in the orders, I mean that we obtained from the Pentagon, the *Maddox* was authorized in its missions, and I quote from the orders: "to stimulate Chicom-North Vietnamese electronic reaction."

What does that language mean?

Secretary MCNAMARA. It means that they turn on certain kind of equipment on board the *Maddox* which, in turn, leads the Chicoms or the North Vietnamese to turn on the radars so that we can measure the radar frequencies, that was clearly one of their objectives.

The CHAIRMAN. That is what I meant. That is what I meant by electronic spy mission.

Secretary MCNAMARA. Mr. Chairman, I said specifically that electronic surveillance was part of this mission, but it was not the primary mission. If you read further into those orders, you will find it.

INSTRUCTIONS TO THE "MADDOX"

The CHAIRMAN. And the *Maddox* was given orders to penetrate the territorial waters of North Vietnam and stimulate their electronic networks, assuming their territorial waters was 12 miles.

Secretary MCNAMARA. Absolutely not. The *Maddox* was specifically instructed to stay out of territorial waters and was instructed to go no closer than 8 miles to the coastal area.

The CHAIRMAN. I said assuming their territorial waters was 12 miles.

Secretary MCNAMARA. But you said the *Maddox* was instructed to penetrate territorial waters.

The CHAIRMAN. Assuming it was 12 miles.

Secretary MCNAMARA. I want to just make perfectly clear the *Maddox* was not instructed to penetrate territorial waters assuming anything.

Senator LAUSCHE. What is the further language in that which gives the primary cause.

Secretary MCNAMARA. Yes, I was just trying to find the specific cable, and if I may have a moment I will find it and read from it here.

I am reading now from the cable to the commander of CTF 72, which was the task force that the *Maddox* was part of, and this was sent on July 17, [deleted].

Paragraph 9 states "The primary purpose of this patrol is to determine, DRV," meaning Democratic Republic of Vietnam, "coastal activity along the full extent of the patrol track," that is the primary purpose and that was the charge given to the commander.

Now, paragraph 10:

"Other specific intelligence requirements are as follows: (a) location and identification of all radar transmitters, and estimate of range capabilities; (b) navigational and hydro information along the routes traversed and particular navigational lights characteristics, landmarks, buoys, currents, and tidal information, river mouths and channel accessibility, (c) monitoring a junk force with density of surface traffic pattern, (d) sampling electronic environment radars and navigation aids, (e) photography of opportunities in support of above. In addition, includes photography as best detail track would permit of all prominent landmarks and islands, particularly in vicinity of river and build-up areas, conduct coastal radar scope photography by ship which is transmitting from Point A which is the end of the mission.

"12. Specific search location identification requirements [deleted], to be conducted while the Maddox is in the Gulf of Tonkin, [deleted]."

Then it goes on to say additional intelligence guidance will be provided by the naval commander, Japan, and operational guidance will be provided by MACV, and so on.

So its mission was not primarily electrical surveillance but it also had that as one of its several items to be carried out, to be covered.

The CHAIRMAN. One of the ways to do this is to stimulate electronic reaction?

Secretary MCNAMARA. Yes, by its own transmitting equipment.

The CHAIRMAN. This was true of the *Pueblo*, too, it is customary?

Secretary MCNAMARA. Mr. Chairman, I am not sure of that. In the case of the *Pueblo*, I don't believe that during the majority of the voyage it was to stimulate the transmitters. I think quite the reverse, it was to collect information on the transmitters assuming they had not been stimulated by the *Pueblo*.

TERRITORIAL WATERS QUESTION

The CHAIRMAN. Well, now, you make the point that they did not give orders to go into the territorial waters, but, and I said assuming it is 12. You are basing it on the assumption it was three. But I notice the order told them to stay off the 12-mile limit of the coast of China, which was next door isn't that so?

Secretary MCNAMARA. I think so.

The CHAIRMAN. I mean, the orders were to go to 4 miles off the islands and 8 miles off the mainland of North Vietnam, but to stay beyond the 12-mile limit of China which was just beyond, where this attack was predicated, is that not correct?

Secretary MCNAMARA. I think that is correct. And I assume that the reason—I have not checked this—but I assume the reason would be that China at that time claimed a 12-mile limit which North Vietnam at that time did not.

The Chairman mentioned to me that the closest approach to China is 15 miles; yes, here it is.

The CHAIRMAN. Yes. Fifteen miles but South Vietnam it was 4 miles off the island

Secretary MCNAMARA. And 8 miles off the coast.

SIMILAR MISSIONS SINCE 1962

The CHAIRMAN. Did you state how many missions there had been of this kind since 1962?

Secretary MCNAMARA. I believe this was the fourth. There was one in 1962, one in 1963, one in early 1964, and one in July 1964.

The CHAIRMAN. Similar to this one?

Secretary MCNAMARA. Yes, I examined the tracks myself just to check that exact point and they are almost identical.

The CHAIRMAN. And with similar equipment?

Secretary MCNAMARA. I am told they had similar equipment.

The CHAIRMAN. Mr. Secretary, were there several officers and men of the U.S. Military Advisory Command in Vietnam aboard the *Maddox*.

Secretary MCNAMARA. No. They were invited, but they didn't accept the invitation.

The CHAIRMAN. Well, I thought our information indicated they were aboard.

Secretary MCNAMARA. No, sir. The cables I have gone through are quite clear on that. They were invited, but they didn't believe that this was a patrol connected with their activities and they saw no reason, therefore, to participate in it. They participated, I believe, on board the third patrol, and found that they got so little out of it they didn't want to take the time to participate in a fourth, and, therefore, were not on board that patrol.

The CHAIRMAN. If they had the invitation they were aware of it, though?

Secretary MCNAMARA. Oh, yes, indeed; they were aware of the patrol.

But they felt it had so little connection with their activities that they didn't choose to participate in it.

OPERATIONS OF SVN AGAINST NVN ON SPECIFIC NIGHTS

The CHAIRMAN. Could you give a brief description of the operations of the South Vietnamese against North Vietnam on the nights of the 30th and 31st of July, 1964, and the nights of the 3d and 4th of August of 1964? What were they doing?

Secretary MCNAMARA. I can give you—it will be a brief description because I don't have all the information on it. But on the night of the 30th of July certain patrol boats of the South Vietnamese bombarded Hon Me and Hon Nieu, and on the night of the 3d of August certain patrol boats of South Vietnamese bombarded Rhon River in North Vietnam and Vinh Sonh radar in North Vietnam.

The CHAIRMAN. That is what was called Operation 34.

Secretary MCNAMARA. It was called a 34A operation.

The CHAIRMAN. And they did bombard the coast on those 2 nights?

Secretary MCNAMARA. They did.

The CHAIRMAN. During your testimony of August 6, 1964, you state:

"Our Navy was not aware of any South Vietnam actions, if there were any."

Do you think after reviewing the case that that is an accurate statement?

Secretary MCNAMARA. Well, if you go on in the same paragraph, Mr. Chairman, I think it is an accurate statement.

The CHAIRMAN. How is it accurate?

Secretary MCNAMARA. Because you are talking about the commanders of these ships, and whether the ship commander knew enough about the South Vietnamese operation to place their ships in some way in support of those operations, and the fact is that the ship commanders didn't know about the South Vietnamese operation as to target or time. They knew so little about it that one of them on the 31st of July, just as he was starting his patrol, sent a report of vessels that he observed on radar, and I guess visually as well, which he identified as Soviet P6 vessels, when, in fact, they were vessels of the South Vietnamese 34A operations.

I simply mention this to indicate how little they knew about it.

Beyond that, one of my own staff members, called Captain Herrick, who was the commander of the *Maddox* and *Joy* task force, I asked him specifically if he knew of the targets or dates or details of the operations, and he said he did not.

KNOWLEDGE OF THE OPERATION

Senator GORE. Will the chairman yield there?

It seems to me it wasn't so important a commander of a destroyer knew about it, that the command of the operation—the central question is whether the command of the operation knew about it. The *Maddox* was following detailed instructions as to where it was sailing. So it seems to me it is not whether the captain of the *Maddox* knew about it. It was whether the Navy knew about it.

Secretary MCNAMARA. Well, I stated at the time that the Government knew about it, and I specifically testified on August 3, before this committee, in informal session, and on August 6, in formal session, that our Government knew about it. But it is important that the commanders on the scene did not know about it because they had great latitude as to where their ships were to be at particular times. They were allowed to orbit at particular points and shift the time schedule of their position along a 200- or 300-mile coastal track within their own discretion, and even if a higher command may have known something and tried to plan it could not have been carried out successfully if the local commanders were not informed of the details of the operations.

NAVY CLAIMED NO KNOWLEDGE OF OPERATION

The CHAIRMAN. I think to complete the record, I ought to read what was said at that time before this committee. And I quote:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese action, if there were any. I want to make that very clear to you. The Maddox was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no knowledge of, and so far as I know today has no knowledge of any South Vietnamese actions in connection with the two islands, as Senator Morse referred to."

That is page 23 of the transcript of hearings.

Senator MUNDT. Was this the Secretary?

Secretary MCNAMARA. Yes.

The CHAIRMAN. It was the Secretary's statement at that time.

Senator COOPER. I have a question.

The CHAIRMAN. Yes.

Secretary MCNAMARA. May I just——

COMMANDERS KNOWLEDGE OF SOUTH VIETNAMESE ACTIONS

Senator COOPER. Were you stating as a fact, as you knew it at the time of your testimony that the commanders of the ships did not know that the South Vietnamese vessels had attacked the two islands?

Secretary MCNAMARA. Yes; exactly so.

Senator COOPER. Do you still say as a result of your investigation that your statement was correct?

Secretary MCNAMARA. That is correct, and the third sentence and the fourth sentence of the quotation read by the chairman makes that very clear. The *Maddox* was operating in international waters, was carrying out a routine patrol of the type we carry out all over the world at all times. It was not informed of, was not aware of, had no evidence of, and so far as I know today has no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today.

Since the testimony was given, I have had, as I said, one of the members of my staff talk to Captain Herrick personally, and he certifies that was true then.

Senator MORSE. I want to make this comment on the Secretary's comment. The general proposition laid down in the testimony, and I quote, was "Our Navy played absolutely no part in it, and was not associated with it, was not aware of any South Vietnamese actions, if there were any."

Well, the *Maddox* doesn't speak for the Navy, in general.

Secretary MCNAMARA. No.

DOUBT AS TO LACK OF NAVY KNOWLEDGE OF OPERATION

Senator MORSE. You go on to say the *Maddox* was operating in international waters but I am still in doubt even in your testimony this morning as to whether or not the Navy was oblivious to the South Vietnamese action.

Secretary MCNAMARA. Senator Morse, I think there is an ambiquity in that sentence. I am quite prepared to say that to you in one respect. I will comment on this in a moment, but I want to emphasize that the Navy played no part in, and was not associated with these South Vietnamese actions.

Now, maybe you would say, "Well, even that is too strong a statement," because later in my testimony that same day I stated we had supplied the boats. Maybe that is a "part in it," but it is not "a part in it" in the sense that it was of concern, and I think quite properly of concern to you at the time, and it is not a part of it in the sense that we were addressing. We didn't command the operation, we didn't associate the Desoto patrol with it, and the particular question at issue at the time was did the Desoto patrol commanders know of it; they did not.

Senator MORSE. I only want to say at the time I had information that was given to me that the Navy was aware of it and that there was a maintenance of radio communication with Saigon on the part of our Navy during the time of the attack, and that is what I brought out at the time, and I was seeking to find out whether or not that was true or false.

Secretary MCNAMARA. And I stated at the time that we knew of the operation, we knew of the fact that operations of that kind were carried on. Periodically, future programs for such operations were transmitted to higher headquarters above Saigon, including the Pentagon. Beyond that the Navy had worked out an arrangement—and I am not sure I mentioned this at the time, although I think I may have—but it is a fact that the Navy had worked out an arrangement between the separate commands in the Pacific, the Saigon command on the one hand, and the 7th Fleet Command on the other, to insure that these operations stayed out of each other's areas, and the commanders of the ships on patrol were specifically instructed to stay away from certain geographic areas in order to avoid interference or association with the 34A operations of the South Vietnamese.

The CHAIRMAN. Well, on that point, there is one cable which shows the following, and I quote from a cable to the *Maddox*:

"The above patrol will (a) clearly demonstrate our determination to continue these operations, (b) possibly draw NVM"—that is North Vietnamese navy—"PGMS (patrol boats) to northward away from the area of 34A operations, (c) eliminate De Soto patrol interference with 34A operations."

It is unusual that, having received that cable, that the *Maddox* did not know what 34A was.

Secretary MCNAMARA. The *Maddox* did know what 34A was, no question about that. But *Maddox* was not associated with 34A, was not playing a part of it, was not planning to draw forces away from it.

Senator MORSE. I thought you said they did not know anything about it.

Secretary MCNAMARA. Now wait a minute, I did not say they did not know anything about it.

Senator MORSE. You said "were not aware of."

EXTENT OF KNOWLEDGE OF DETAILS OF ACTION

Secretary MCNAMARA. They were not aware of the details is what I said, of the attacks, as to location, or as to time, and unless one is aware of that, you cannot properly plan a diversionary effort.

Now, since we are on that subject, may I mention some other points that bear on it. I have already mentioned that they knew so little about it that they identified certain of the 34A ships as Soviet vessels. They very much wanted to avoid interference with it, and CINCPAC fleet advised MAC/V that they would make every effort to give him 36 hours' notice of changes in the time schedule of the patrol at certain points, in order to allow MAC/V to change the suggestion that he might make regarding location of 34A attacks. MAC/V came back and said that they had worked out with the South Vietnamese adjustments to assure that 34A operations would prevent interference with the patrols.

Senator MORSE. Could I read one——

Secretary MCNAMARA. May I just continue?

Senator MORSE. I thought you were through I am sorry.

TWO OPERATIONS SEPARATE

Secretary McNAMARA. I am simply trying to develop the point that every possible effort was made to keep these two operations separate.

In the message on the 1st of August, the commander of the task force, which included the *Maddox, stated* that he thought that in view of the hostile intent of the North Vietnamese they should consider stopping the patrol, and the 7th Fleet stated, "You are authorized to deviate from itinerary" any time that the risk appears too great.

(Subsequently the chairman inserted in this record the full text of the cable cited by Secretary McNAMARA, as follows: "1. Ref Alfa Bravo and Charlie noted. When considered prudent, resume itinerary IAW ref Delta. You are authorized deviate from itinerary at any time you consider unacceptable risk to exist. Keep Alcon advised.")

Again later the same day on the 2d the commander of the 7th Fleet directed the *Maddox* to retire from the area to avoid hostile fire.

Senator LAUSCHE. What date was this?

Secretary McNAMARA. This was on the second.

On the second they also put in restrictions on hot pursuit that were much more severe than we normally apply in situations like this. The U.S. vessels were not allowed to carry on hot pursuit of enemy vessels closer than 11 miles from shore and the aircraft were not allowed to carry on hot pursuit closer than 3 miles from shore.

Again on the second, MAC/V told the commander of the 7th Fleet to keep the De Soto patrol clear of a designated area. Later on the third, MAC/V sent another request that the De Soto on patrol be moved even farther north to stay farther away from the area the South Vietnamese were planning to operate in.

Also on the third, later in the same day, the commander of the 7th Fleet reported his intention to terminate the patrol on the evening of August 4 in order to move it away from the area and avoid any possibility of conflict with 34A.

I mention this simply to tell you that the higher commands were knowledgeable about the 34A and De Soto and took every possible action to separate the two.

BASIS OF STAFF STUDY DISCUSSED

Senator LAUSCHE. It is regrettable that our staff study contains none of these facts which negative all that is in our secret report.

The CHAIRMAN. Well, I will say——

Senator LAUSCHE. It is a tragedy.

The CHAIRMAN. I will say to the Senator we requested all relevant documents, and Mr. Nitze——

Senator LAUSCHE. But it is thoroughly apparent that none of this material is relevant to any of the papers I have before me. All of the paper is directed to show that there was falsehood presented.

The CHAIRMAN. The paper contains all of the information supplied to the committee, and we could not put in what they did not supply, and there is no selection as far as the documents supplied, and I had a meeting with Mr. Nitze——

Senator LAUSCHE. Well, the paper which I have before me has nothing justifying the action that was taken. All that I have in my paper is material showing that the action should not have been taken.

The CHAIRMAN. I wish to make it clear, I had a meeting with Secretary Nitze and Senator Russel at Secretary Nitze's request, and we discussed this matter, and Senator Russell advised Secretary Nitze that he thought that the Department of Defense should make available to this committee—to this committee, which met jointly with the Armed Services Committee when this matter was heard in 1964—and he told Mr. Nitze he should make available relevant documents to these incidents, and it was my understanding he would make those available with one sole exception which I have already described to the committee. If those documents are not in here, it is because the Department of Defense did not supply them to us upon request of all relevant documents. Not being aware of them, we could not ask for them specifically, but we have asked for other documents specifically, but not these because we did not know about them.

Secretary McNAMARA. Mr. Chairman, may I simply say that four of the facts that I just stated to you were supplied to the committee. Others may have been. But I can check from my list in front of me that four of the statements I made, the committee, was aware of. Whether they are in your report, I do not know. I do not have access to the report.

Senator LAUSCHE. Will the chairman point out a single statement in this report to the committee that shows that there is in it anything justifying the action that our U.S. Government took? Every statement in this secret report tends to prove that we should not have done what we did, and I cannot understand how we did it.

Senator GORE. I respectfully submit that is not an accurate statement.

Senator LAUSCHE. It is pretty substantial.

Senator CLARK. Mr. Chairman, I do not think this discussion is seemly. I think we ought to proceed in a normal manner. You ought to wait until your turn.

Senator LAUSCHE. If he will quit, I will get my turn.

Senator CLARK. He is your chairman. You owe him some courtesy and you are not giving it to him.

CABLE FROM "MADDOX" TO THE FLEET COMMANDER

The CHAIRMAN. I will go on with the record. On the 3d of August some 15 hours before the second incident the operational commander of the *Maddox* and the *Turner Joy*, who was aboard the *Maddox*, sent the following cable to the commander of the 7th Fleet: '(a) Evaluation of info from various sources indicates that the DRV (Democratic Republic of Vietnam) considers patrol directly involved with 34–A operations. DRV considers U.S. ships present as enemies because of these operations and have already indicated readiness to treat us in that category. (b) DRV are very sensitive about Hon Me. Believes this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases."

Secretary McNAMARA. Mr. Chairman, may I comment on this specific cable?

The CHAIRMAN. Yes.

Secretary McNAMARA. Two points: First, we can find no basis for the commander making this statement, that the DRV considered the De Soto patrol directly involved in 34–A operations.

Second, Herrick himself now states he can recall no basis for coming to that conclusion.

Third, the PT boat officer that we captured and interrogated in July 1966 told his interrogators that it was clear in his mind that the De Soto patrol was separate from 34–A operations.

The CHAIRMAN. Well, you are not saying this cable was not sent.

Secretary McNAMARA. I simply stand on what I said, Mr. Chairman. Of course the cable was sent.

The CHAIRMAN. You are not saying it was not sent.

Secretary McNAMARA. But I am saying it is a complete distortion of the fact to leave the record indicating that the commander of the *Maddox* task force had any basis whatsoever for believing that North Vietnam confused 34–A and De Soto. He did not have the basis. He now says he did not have the basis, and a North Vietnamese captured since that time states that North Vietnam distinguished between the two operations.

The CHAIRMAN. Well, at the time, all I am saying—I am not going into his mind, this is what he is saying.

Secretary McNAMARA. I am perfectly happy to have it on the record along with my refutation.

The CHAIRMAN. That is all right.

Senator Williams, did you want to say something at this point?

COULD "MADDOX" HAVE BEEN OPERATING 4 MILES OFF COAST?

Senator WILLIAMS. The question in my mind, Mr. Secretary, is that you say the *Maddox* was operating with substantial freedom in this area with no knowledge of the operation of the plans of the South Vietnamese. Would it not have been conceivable or possible that it could have been operating 4 miles off the coast of one of these islands during the attack?

Secretary McNAMARA. No.

Senator WILLIAMS. What would have prevented it?

Secretary McNAMARA. No, because as the cables submitted to the committee showed, the commander of the 7th Fleet and the U.S. commander in Vietnam had an arrangement under which the position of the *Maddox* on its patrol was to be submitted to Vietnam so that the South Vietnamese could plan their operations to stay away from the patrol.

Secondly, the commander of Vietnam had said to the commander of the 7th Fleet, "In addition to knowing where you are, we would like you to stay away from certain particular places," and he, on two occasions during the period of patrol, gave to the commander of the 7th Fleet, who in turn passed it on to the commander of the *Maddox*, specific instructions to stay out of certain areas.

I recall one of the areas was an area set by a line between 17 degrees and about 17 degrees, 50 minutes north and a line running north-south into which area the patrol was not to penetrate, and later that restricted area was substantially expanded to everything south of 19 degrees, 10 minutes.

Senator WILLIAMS. That is all.

FULBRIGHT LETTER TO NAVY SECRETARY IGNATIUS

The CHAIRMAN. I think we should put in the record the fact that I sent a letter on January 12 to Hon. Paul R. Ignatius requesting one of the cables relating to this question. I say this was with regard to the Senator from Ohio's observations. I will ask the reporter to put it in the record, this is January 12. I might read it. It is very difficult to translate it except by those familiar with the symbols that are used by the Navy:

"In the message sent by CTU72.1.2 to AIG–171 dated [deleted] the following sentence is included: 'RCVD info indicating attack by PGM/P–4 imminent. My position 19–10.7 N 107–003 proceeding southeast at best speed.' "

The reply to that—I will put the whole letter in—Mr. Ignatius replied that:

"With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length in a meeting wtih Secretary Nitze, Senator Russell, and yourself. There is nothing further I can add to these discussions."

In other words, it was not supplied to the committee although it was requested.

(The letters referred to follow:)

JANUARY 12, 1968.

HON. PAUL R. IGNATIUS,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: As you are well aware, over the past few months the Department of Defense has been providing the

Committee with information and materials on the incidents in the Gulf of Tonkin. One of the cables you provided on November 24 has given rise to a particular question.

In the message sent by CTU 72.1.2 to AIG 181 dated [deleted] the following sentence is included:

"RCVD INFO indicating attack by PGM/P–4 imminent. My position 19–10.7N 107–003 proceeding Southeast at best speed."

The staff of the Committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as interception of North Vietnam messages.

Would you please provide me the information necessary to clear up this point. If the information comes from a communication intercept, I would appreciate having the text of that intercept as well as any other intelligence interceptions relating to the second incident in the Gulf of Tonkin.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

THE SECRETARY OF THE NAVY,
Washington, D.C., January 16, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With respect to your letter to me of January 12, it is my understanding that the points you raised were discussed at length at a meeting with Secretary Nitze, Senator Russell and yourself. There is nothing further I can add to those discussions.

Sincerely,

PAUL R. IGNATIUS.

Secretary MCNAMARA. Mr. Chairman, I am confused on that. The message that you read from has a date code of [deleted]. My information is that it has been supplied to the committee. Am I in error on that?

The CHAIRMAN. Mr. Bader, has it been supplied?

Mr. BADER. Senator, we have the message.

Senator MANSFIELD. We have?

Mr. BADER. The letter reads in part as follows:

"The staff of the committee is unable to determine from the text whether the information in question was received from shipboard radar as the chronology of the *Turner Joy* would indicate or through special intelligence means such as an interception of North Vietnam messages."

"Would you please provide me the information necessary to clear up this point?"

This was the crux of the letter. We are unable to determine the source of the information referred to in the cable. Therefore, we had no way of evaluating it.

STAFF CLEARANCE FOR CERTAIN INTELLIGENCE INFORMATION

Secretary MCNAMARA. We have some problems, because the staff has not been cleared for certain intelligence and we are under specific written instructions from the President, as are all executive departments, not to furnish such intelligence to uncleared personnel.

Senator LAUSCHE. I do not understand that. The members of our staff are not cleared?

Secretary MCNAMARA. Certain members of congressional staffs have requested clearance, others have not, and we are under instructions from the President in writing not to submit intelligence to individuals that have not been cleared other than to Members of Congress.

Senator LAUSCHE. May I ask the chairman, are all the members of our staff cleared?

The CHAIRMAN. All of those who have worked on this matter, but he is talking of a special classification of intelligence communications.

Secretary MCNAMARA. I do not believe any member of the staff has been cleared for certain kinds of intelligence relating to this incident.

Senator LAUSCHE. Of the Foreign Relations staff?

Secretary MCNAMARA. That is correct, on specific items of intelligence.

The CHAIRMAN. I might say for the information of the committee, Mr. Bader was cleared at one time for such intelligence information. He has not been cleared subsequent to that, and I assume—you say they do not carry their clearance?

Secretary MCNAMARA. Mr. Chairman, I do not know the rules of clearance. All I know is that because of receiving these written instructions from the President, I made a personal effort to find out who had been cleared and who had not been cleared, and there was no member of this staff cleared on the registries of the FBI, the Central Intelligence Agency, or the Defense Intelligence Agency—cleared for this kind of intelligence.

Senator GORE. Mr. Chairman, could we know what particular classification that is? I had not heard of this particular super classification.

The CHAIRMAN. The staff, Mr. Marcy, and Mr. Holt are cleared for top secret information. This is something I never heard of before either. It is something special with regard to intelligence information. However, Mr. Bader was cleared for that.

Secretary MCNAMARA. If the staff would wish to request clearance, I am sure the Government would do it.

Mr. MARCY. All of the members who are here submitted renewal requests for top secret clearance recently and, so far as I know, all of those requests have been granted.

Secretary MCNAMARA. But that is not the issue. Clearance is above top secret for the particular information involved in this situation.

Senator CASE. Mr. Chairman, may I clear this up in my own mind?

The CHAIRMAN. Yes.

Senator CASE. On this particular request for information, it was denied on the ground of lack of clearance.

Secretary MCNAMARA. Yes.

Senator CASE. I see. That was made clear; there was no question.

Secretary MCNAMARA. I do not know that that was made clear, but that was the reason.

Senator CASE. I think it is important to know whether the committee was told that information was not being given it and for what reason.

The CHAIRMAN. I told the committee that Mr. Nitze showed me one message——

(Subsequently the chairman inserted in the record the following paragraph from the staff study dated January 17, 1968:)

"In late December Under Secretary of Defense Paul Nitze asked to see Senator Fulbright. At that meeting Mr. Nitze presented for Senator Fulbright's eyes only a cable from special intelligence which he said was "conclusive" evidence that the *Maddox* and *Turner Joy* had been attacked. The staff has not seen this information and has no way of judging whether this particular piece of information is the conclusive piece of evidence that will demonstrate without doubt that the *Maddox* and *Turner Joy* were actually attacked."

Senator CASE. Is that the one you are talking about?

The CHAIRMAN. At this particular moment I think that is the one we are talking about. There may be others.

Senator CASE. This is not a question where we were not given information and we were not told that we were not being given it.

The CHAIRMAN. I would like to go through these. I want to try to make the record and then let the members engage their own time.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese believed to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary MCNAMARA. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

TERRITORIAL LIMIT DISCUSSED IN MAY 1966 HEARING

Senator MORSE. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testmony of August 6, 1964:

"As part of that, as I reported earlier to you this week, we understand the South Vietnamese Sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort."

That is the quote from Secretary McNamara. Now to quote the chairman on May 24, 1966:

"First, I want to ask you: had your ships within days before the incident gone within territorial limits recognized by North Vietnam?

"Mr. MCNAUGHTON. Within the 12-mile limit, Mr. Chairman.

"The CHAIRMAN. That is the territorial limit.

"Mr. MCNAUGHTON. I think that it is. If that is the case, the answer is "Yes".

"The CHAIRMAN. That had been the limit.

"Senator PELL. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

"Mr. MCNAUGHTON. No, sir, it is the one—the chairman, I understood the chairman to say territorial limits recognized by North Vietnam.

"Mr. U. ALEXIS JOHNSON. Claimed by North Vietnam.

"The CHAIRMAN. That is right. Many countries have different ones.

"Senator MCCARTHY. Texas claims the 12-mile limit.

"The CHAIRMAN. They vary, but they claimed 12 miles. But our ships had gone into it.

"Mr. MCNAUGHTON. Yes, sir; that is correct."

I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary MCNAMARA. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary MCNAMARA. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the chairman's statement of it, he was wrong.

IDENTITY OF CLEARANCE STATUS

Senator GORE. Mr. Chairman, would you please clear up the exact identity of this clearance status that is something superior to top secret and whether or not the President's letter applied only to this particular operation? I would like to be informed. I never heard of this kind. I thought top secret was top secret.

The CHAIRMAN. I am not sure that I can do

it justice. I never heard of this clearance before. But at the meeting I attended, which is referred to, and is referred to in the staff report, with Mr. Nitze, he said that this particular message was beyond top secret, and it has to do with intelligence communications, and that was the reason he could not give me that particular communication. He allowed me to look at it. It was a very short message; I think it was only about a paragraph, and I read it very rapidly. He said this was beyond top secret, and only a few people are allowed to see it. I was given to understand it relates to what is called an intercept, and it is my information, well, my memory, that he stated this was the conclusive evidence upon which the Pentagon relied beyond all doubt that there was an attack upon our ships on the 4th of August.

Senator GORE. Excuse me, what is the classification, what is the name of it?

Senator SPARKMAN. "Eyes only."

Senator MANSFIELD. Does this have to do with codebreaking or things of that sort?

Senator GORE. No; that is not it.

Secretary MCNAMARA. Mr. Chairman, may I try to answer it?

The CHAIRMAN. The Secretary can do better than I can.

Senator MANSFIELD. Or General Wheeler seems to want to say something.

The CHAIRMAN. Or General Wheeler.

TYPES OF CLEARANCES

Secretary MCNAMARA. Mr. Chairman, let me comment on this first. Senator Gore asked, "Does this instruction from the President apply only to this incident?" The answer is "No." All of the executive departments, because of recent security violations in this country, have been instructed to tighten up on security, with their own personnel and with all other personnel. All of the executive departments have been instructed to observe strictly the appropriate clearance procedures. They are many. There are a host of different clearances. I would guess I have perhaps 25. There are certain clearances to which only a handful of people in the Government are exposed. There are others with broader coverage, and overlapping coverage, and it is not really a question of degree of clearances. It is a question of need to know, and need to know clearances apply to certain forms of data.

Now, there is a top secret clearance that covers certain kinds of information, and is a rather broad clearance and is related to a level of clearances starting for official use only, rising through confidential and secret and top secret and generally speaking that is a pyramidal clearance. There is another clearance, Q clearance, that relates to certain categories of information.

There is another clearance which is the special intelligence clearance we are talking about, that relates to intercept information, and it is this latter clearance in particular that is at issue here, and the staff members of this committee have not been cleared for that kind of information. So far as I know they have not requested clearance. If they do request clearance, we will be happy to consider it.

The President instructed me specifically to make information available to members of the committee—Members of the Congress, whether they are cleared or not. I have the information here with me this morning and I will be happy to go over it with you, but I will have to ask individuals in the room, staff members and others, who are not cleared to leave the room when I do it.

Senator GORE. Because it deals with intercepts.

Secretary MCNAMARA. It deals with intercepts.

Senator GORE. Ambassador Goldberg discussed the intercepts at the U.N. on television.

Secretary MCNAMARA. But the problem here involves an intercept with the particular traffic involved. Our intelligence analysts have gone over this and have stated the area is a danger to us in certain kinds of intercept material and disclosure of it. [Deleted.] We are under instructions to deny it other than to Members of Congress and others properly cleared.

Senator PELL. Mr. Chairman, the fact we have publicly stated that intercept information confirmed the location outside North Korean territorial waters of the *Pueblo*, which has strengthened our case to this effect, has this not thrown into the public domain quite a portion of the fact that we have access to this kind of intelligence?

Secretary MCNAMARA. The intelligence analysts believe not. Well, I do not want to get into a further discussion until the room is cleared of those not authorized to handle it. We would run the risk of compromising intelligence sources if disclosed.

NORTH VIETNAM TERRITORIAL LIMIT CLAIM

Senator SPARKMAN. Mr. Chairman, may I ask just one very brief question. Going back to this 12-mile limit, I believe you said in your paper, did you not, that sometimes following the Gulf of Tonkin incident, North Vietnam did claim through a radio dispatch a 12-mile limit?

Secretary MCNAMARA. They did, Senator Sparkman.

Senator SPARKMAN. But that was the first time they had stated it.

Secretary MCNAMARA. That is correct.

Senator SPARKMAN. I think that might explain the difference between 1964 and 1966.

Secretary MCNAMARA. It might well.

WHY DID "MADDOX" NOT BREAK OFF PATROL?

The CHAIRMAN. I forgot that. Did you reply to why the *Maddox* did not break off the patrol when they believed they had stimulated—according to this cable, they said that the North Vietnamese regarded them as hostile and an enemy and that they were very sensitive about Hon Me. Why did they not break off at that point?

Secretary MCNAMARA. I am not certain I know which particular message you are referring to.

The CHAIRMAN. The one I read.

Secretary MCNAMARA. Yes. Can you give me the time date group on it? I think I have it here, and it is [deleted] and in that particular message he was speculating on North Vietnam's interpretation of his operations. He did not at that point consider the risks sufficiently high to break off the patrol.

You will recall that later the following day he did state that he believed it might be advisable to break off the patrol, but he had not reached that point of judgment then.

The CHAIRMAN. Well, that was his judgment. Why did his superiors not order him to break it off in view of that cable if they did not wish to provoke an incident?

Secretary MCNAMARA. Because we were on the high seas and operating legally and entirely within our rights. The President stated publicly that we would continue to carry out the patrol in international waters in a legal fashion.

The CHAIRMAN. Here, this is the—have you identified that now?

Secretary MCNAMARA. Yes.

The CHAIRMAN. I read from a cable from the operational commander of the two ships sent some 15 hours before the second incident:

"(a) Evaluation of info from various sources indicates DRV considers patrol directly involved with 34A ops. DRV considers U.S. ships present as enemies because of these ops and have already indicated their readiness to treat us in that category. (b) DRV very sensitive about Hon Me, believe this is PT operating base, and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases. (c) Defense against PT's very difficult when in close proximity to Hon Me in that they can hide behind it until the opportune moment and start their run leaving very little time for tracking and spotting and allowing no international water working space for aircraft. (d) Under these conditions 15 minutes reaction time for obtaining air cover is unacceptable. Cover must be overhead and controlled by DD's at all times."

It seems to me it is very clear they thought they were extremely exposed and in a dangerous position and were requesting authority to break off.

Secretary MCNAMARA. No, I beg your pardon, Mr. Chairman, they specifically did not request authority to break off, and, had they wanted to break off, they would have requested it. Those were their orders, and later in the sequence of messages you will find that they did not suggest breaking off.

The CHAIRMAN. Maybe I overstated it. At least they did not even want a 15-minute delay in aircraft. They wanted the aircraft right over them.

Secretary MCNAMARA. That is clear.

The CHAIRMAN. They thought they were pretty exposed.

Secretary MCNAMARA. Oh, yes; I do not dispute that.

WERE WE IN TERRITORIAL WATERS?

Senator LAUSCHE. Mr. Chairman, are you trying to prove——

Senator MUNDT. What is the date of that?

Secretary MCNAMARA. August 3.

The CHAIRMAN. It is shortly before the attack.

Senator LAUSCHE. Mr. Chairman, are you trying to prove we were in territorial waters?

The CHAIRMAN. I am trying to get the truth of what took place, that is all, Senator.

Senator LAUSCHE. Well, I would be able to follow you better if I can learn——

The CHAIRMAN. What this means will have to come later. I cannot tell what the answers are. All I am trying to do is develop the truth.

Senator LAUSCHE. Let me finish my question.

Are we trying to prove that because we were not in international waters but in territorial waters that North Vietnam had the right to shoot at us?

The CHAIRMAN. I am not a witness, Senator. I do not propose to answer those questions. I am trying to develop a case of what happened.

WARNING SHOTS FIRED BY "MADDOX"

Mr. Secretary, as to the attack of August 2, 1964, your testimony states that the *Maddox* first fired "three warning shots before taking the North Vietnamese torpedo boats under fire."

Is there such a thing as a warning shot between naval combatants?

Secretary MCNAMARA. Mr. Chairman, I do not know. I would be happy to check with the Navy and answer the question for the record.

(The following was subsequently supplied:)

"There is a difference of opinion as to the use of warning shots between combatants. Obviously, a commanding officer would only have recourse to such shots under very special and compelling circumstances."

The CHAIRMAN. Well, a former admiral communicated voluntarily to this committee, Adm. Arnold True, said he was a destroyer commander during quite a number of years. He said that this is not a recognized procedure between naval combatants.

General, do you know anything about this?

General WHEELER. I am not a naval officer, Mr. Chairman.

The CHAIRMAN. I understand.

General WHEELER. However, I would submit this, that we were not at war with North Vietnam, and I would think that rather than

the commander opening fire directly on approaching vessels in daylight that, as a precautionary measure, he might very well have fired warning shots rather than firing directly at them.

The CHAIRMAN. I may add that a gunnery officer aboard the *Maddox* when asked about the so-called warning shots, was quoted as saying, and I quote, "Oh, no. We were definitely aiming right at them because the speed factor was there. We did not want to waste much time in spotting our shots."

Then the logs of the *Maddox* reveal that the *Maddox* simply opened fire on the patrol craft. That is what the log reports.

Secretary MCNAMARA. Did we furnish you the testimony from the gunnery officer, Mr. Chairman?

The CHAIRMAN. Where did it come from, Mr. Bader?

Mr. BADER. Mr. Secretary, that quotation is not from material provided by the Defense Department.

Secretary MCNAMARA. Is that in the staff study? I would like to have the name of the gunnery officer in order to check the testimony. I am not familiar with it. I never heard it or saw it. I would like to have it and I will check it. May I have it, Mr. Chairman?

The CHAIRMAN. I do not have the name.

Senator LAUSCH. I do not have the name.

Mr. BADER. I have it right here.

Senator LAUSCHE. Is this one of the x's in the addendum?

Mr. BADER. It is a newspaper quotation from a gunnery officer.

(Subsequently the chairman inserted the following information in the record:)

"Lieutenant Raymond P. Connel, gunnery officer abroad the *Maddox*, quoted in AP dispatch in the *Arkansas Gazette*, July 16, 1967."

The CHAIRMAN. Mr. Secretary, considering the fact that the *Maddox* was heading for an island recently attacked by South Vietnamese raiders using U.S. equipment, is it not possible that the North Vietnamese could have concluded the United States had a role and had remained in North Vietnamese waters and to attack the island again?

Secretary MCNAMARA. I think not, Mr. Chairman. My reasons are twofold. First, Vietnamese radar could track our vessels and 34–A vessels and, therefore, knew they were separated by time and distance.

Secondly, as I mentioned to you earlier, prisoners that we have since captured indicate that they knew that these were separate operations.

WHY AIRCOVER WAS PROVIDED IN TONKIN INCIDENTS

The CHAIRMAN. Mr. Secretary, in your recent "Meet the Press" interview you stated that the *Pueblo* was not given air cover and an armed escort because this would have been provocative to the North Koreans. Yet in the case of both incidents in the Gulf of Tonkin, American aircraft carriers provided air cover.

If in the case of the *Pueblo* air cover and protection would have been provocative, why would not the same term apply in the Gulf of Tonkin, particularly since the *Maddox* and the *Turner Joy* had orders that would take them within what the North Vietnamese considered to be territorial waters?

Secretary MCNAMARA. First, the North Vietnamese did not consider them to be territorial waters, as I have pointed out on several occasions this morning.

Secondly, there is a major difference between the situation with the *Pueblo* off the cost of North Korea and the situation of the *Maddox* and *Joy* off the coast of North Vietnam.

North Vietnam at that point, in fact, was infiltrating several thousand armed personnel a year from North to South Vietnam, and there was reason, therefore to protect our craft, a reason that was not present in the case of the *Pueblo*.

The CHAIRMAN. Well, it was present, but you did not recognize it because they took the ship, did they not?

Secretary MCNAMARA. Well, the same reasons were not present, Mr. Chairman.

Senator MUNDT. Will you yield?

The CHAIRMAN. Yes, I will yield.

NORTH KOREAN INFILTRATIONS INTO SOUTH KOREA

Senator MUNDT. Were not the North Koreans infiltrating people into South Korea?

Secretary MCNAMARA. Not several thousand.

Senator MUNDT. In this Blue Palace incident?

Secretary MCNAMARA. Not several thousand a year, Senator Mundt, nor was North Korea at the time of the *Pueblo* incident carrying out direct, and from its capital, armed attacks upon the people and the political institutions of South Korea to the extent as that North Vietnam was then doing against South Vietnam.

Senator HICKENLOOPER. If I may observe there, it is my understanding North Koreans went through the American lines and we did not do anything to stop them, but they do not go through the ROK lines. The Koreans stop them, the South Koreans, and they attacked Seoul.

Secretary MCNAMARA. On the point of whether we are stopping the North Korean infiltrators or not stopping them, and whether our record compares favorably with South Korea's, I cannot testify. But I will be happy, Senator Hickenlooper, to check.

(The desired information will be supplied at a later date.)

Secretary MCNAMARA. Now, on the question of the relations between North Korea and South Korea, on the one hand, and North Vietnam and South Vietnam, on the other, there is just a major difference in the situation in Southeast Asia in 1964 and that in North and South Korea today.

Senator HICKENLOOPER. I should not have asked it. I got that information from a soldier who has been over there for quite a little while.

Secretary MCNAMARA. It may be correct, but I am not familiar with it.

Senator HICKENLOOPER. He seemed to know what he was talking about. But I do not know.

Senator MUNDT. Is it your position that the attack by the North Koreans on the Blue Palace was not a planned attack on the high Korean Government?

Secretary MCNAMARA. No, Senator Mundt, my position is very simple. There is a major difference between the situation in the North and South Korea today, on the one hand, and that which existed in Southeast Asia between North Vietnam and South Vietnam, on the other, and I will be very happy to take some hours of the committee's time to document it.

EVIDENCE OF NORTH VIETNAMESE INFILTRATION INTO SOUTH QUESTIONED

Senator MORSE. Mr. Chairman, I do not want to argue the point now, but as the Secretary knows, I always have believed in pretrial hearings and giving advance notice of your case. But, if I understand you now, Mr. Secretary, your position is that prior to the Tonkin Bay incidents there was heavy infiltration of North Vietnamese forces into South Vietnam. I have just asked Mr. Marcy to have someone go to work on our hearings, because unless I have lost all power of recollection, it is my recollection that prior to the Tonkin Bay incident the administration, through an administration witness, testified to a committee, and we will find it on the record, there was not infiltration of North Vietnamese forces into South Vietnam prior to Tonkin Bay. You will find one administration witness who says they did not have any evidence of a single cadre. He pointed out that South Vietnamese had been sent to North Vietnam for training, but they had gone back. But the administration could not give us any proof that North Vietnamese forces had infiltrated into South Vietnam, and I want to tell you so in order that we may discuss it later.

Secretary MCNAMARA. Senator Morse, I think, without arguing the point of whether there was evidence of North Vietnamese forces, meaning formal units of its military service, infiltrating from north to south, there was ample evidence of infiltration from North Vietnam to South Vietnam of thousands of people sent from the north to the south to subvert the government of the south, and operating there in the south for that purpose under the direct control and literally the hour-by-hour direction of Hanoi.

Senator MORSE. Military personnel?

Secretary MCNAMARA. Military personnel.

Senator MCCARTHY. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

TRANSMISSION OF INFORMATION TO SVN NAVY

Senator MCCARTHY. Was the information that our destroyers were gathering transmitted to the South Vietnamese Navy for its use?

Secretary MCNAMARA. I cannot answer the question.

Senator MCCARTHY. Well, you must know that.

Secretary MCNAMARA. No, I do not know that.

Senator MCCARTHY. You cannot answer that? If we get information that would be helpful to the South Vietnamese Navy, we would give it to them?

Secretary MCNAMARA. I do not say we would not. I simply cannot answer it.

Senator MCCARTHY. If we were transmitting it, wouldn't it be the equivalent of an act of war against North Vietnam? In other words, you were not just out gathering information for the files of the Defense Department, were you?

Secretary MCNAMARA. We were gathering information that we needed to assist the South Vietnamese in reducing the adverse effect on them of the infiltration from north to south by sea, and I so stated.

I further stated, and I stated this at the time, it was part of the public debate at the time, that we were furnishing to South Vietnam the boats they used.

Senator MCCARTHY. I know.

Secretary MCNAMARA. Whether we gave information or not, the fact is——

Senator MCCARTHY. The question of the time lapse, and so on, has become much less important. If you picked up information one day and gave it to them, and the next day South Vietnam took military action, it becomes almost a part of the same naval operation.

Secretary MCNAMARA. Whether we gave information to them or did not give information to them, we did supply boats, and that was known on August 6, at the time. I think it is extremely unlikely that we gave any information from the patrol to the South Vietnamese in the time interval such as you suggested. It is possible that over a period of weeks or months we may have. But I am certain we did not in a matter of hours or days after the collection of the information.

WHY INTELLIGENCE SHIP WAS OFF NORTH KOREAN COAST

Senator MCCARTHY. I was interested in your comparison of the situation of the difference between North and South Vietnam as contrasted to North and South Korea. So, therefore, the protection given the destroy-

ers can be quite different from that of the *Pueblo*. What was the role of the *Pueblo*?

It the relationship between North and South Korea was so much better, why do we have a spy ship off the coast, which we assume was helping South Korea?

Secretary McNAMARA. We have patrols that we are carrying out all over the world in the air and on the sea, international waters and international airspace, collecting information that would be of benefit to us in protecting our security. That was the mission of the *Pueblo*.

Senator McCARTHY. Shouldn't we——

Secretary McNAMARA. Pardon me, Senator, if I may finish.

Senator McCARTHY. Yes.

Secretary McNAMARA. That was the mission of the *Pueblo*, and it is the mission of literally thousands of reconnaissance flights that we carry out, and many seaborne missions that we carry out each year.

Senator McCARTHY. Would it not seem to be more provocative to have a ship like the *Pueblo* there if supposedly the relations between North and South Korea were reasonably good, and we were not as directly involved as we were in South Vietnam? Isn't this a kind of unnecessary intrusion of American power?

Secretary McNAMARA. No. I think American ships, when it is in our interest should move any place in international waters——

Senator McCARTHY. Spy any place they want to, but take the consequences.

Secretary McNAMARA. I believe——

Senator McCARTHY. Get the information.

Secretary McNAMARA. If you want to change the entire legal basis——

Senator McCARTHY. I am not going to change anything.

Secretary McNAMARA (continuing.) Of operations of the sea, that is your prerogative.

Senator McCARTHY. Well, there really are not any, as you know. I mean everybody claims different things.

Secretary McNAMARA. Of course, there are. Let us not say there is not a basis.

Senator McCARTHY. We do not have to go into it now.

Secretary McNAMARA. We will go into it.

Senator McCARTHY. Well, we won't.

Secretary McNAMARA. We will.

Senator McCARTHY. I would like to ask my questions. He is not answering the question I wanted to ask him.

The CHAIRMAN. Let him try, and then you can respond.

Senator McCARTHY. I do not want to go into the law of the sea.

Secretary McNAMARA. Mr. Chairman, may I simply ask permission to respond?

Senator McCARTHY. Yes.

The CHAIRMAN. Go ahead.

Secretary McNAMARA. May I ask permission to respond for the record, because the question I was answering Senator McCarthy several minutes ago—I do not want to ask the reporter to go back and find it—but it did attribute to me a statement for the record, and I want to correct my own statement for the record.

The CHAIRMAN. Do you want to do it now?

Secretary McNAMARA. I would like to do it later.

Senator McCARTHY. I will take it all out.

Secretary McNAMARA. No, I want to leave it in, but correctly.

Senator McCARTHY. I did not get a chance to finish it with you. I have no objection to our spying for our own purposes, but I say if we have a spy ship picking up information and then transmitting that information to another country which is engaged in hostilities with a nation on which we are spying, then we are not quite so pure as we represent ourselves to be. That is the point I wanted to make.

DID UNITED STATES TRANSMIT ITS INFORMATION TO SOUTH KOREA?

With reference to the *Pueblo* off the coast of North Korea, I think it is somewhat the same thing that applies to the destroyers. It was really in that sequence that I wanted to ask the question, Mr. Secretary.

Secretary McNAMARA. What was the question?

Senator McCARTHY. All right. We can say—you say—America has the right to do it. That is fine, I think we have, too. But it becomes different if we pick up information that should be ours, and we then transmit it to another country like South Korea, which, in turn, uses it against North Korea. Then our ship picking up the information is not quite in the same immune position as it would be if it were picking up information for our use alone. That is my question.

Secretary McNAMARA. That is a statement not a question, but I will let it stand, and I would be happy——

Senator McCARTHY. That was the point I wanted to make.

Secretary McNAMARA. I disagree with the statement. I do not think it is factual.

Senator McCARTHY. It is a question. I ask——

Secretary McNAMARA. What is the question?

Senator McCARTHY. Two questions I asked. Let us answer them.

Secretary McNAMARA. Let the reporter go back and read the question.

Senator McCARTHY. I will ask the question, first of all, about the destroyers, as to whether the information they were picking up would be transmitted to South Vietnam.

Then I tried to ask the same question with reference to the *Pueblo*, that is all. I said if it was doing this—and you said there was a difference in the relations between North and South Korea from those of North and South Vietnam—if the *Pueblo* was picking up that kind of information, and giving it to South Korea, the justification for that action, it seems to me, would be less clear than the justification for what might have been taking place off the coast of South Vietnam. That is all.

Secretary McNAMARA. Let me rephrase it and see if I state your question properly, and then I will see if I can answer it.

USE OF U.S. INFORMATION FOR SVN NAVAL OPERATIONS

Your first question was whether information picked by the destroyers *Maddox* and/or *Joy* while the 4th DeSoto mission was taking place in the Tonkin Gulf was transmitted to the South Vietnamese.

Senator McCARTHY. Well, not immediately. I want to know whether that information was being used to give direction to South Vietnamese naval operations, not necessarily on the same day or the same 2 days, but as part of the pattern of operation.

Secretary McNAMARA. Well, to the best of my knowledge, it was not transmitted at the time. It was not transmitted shortly thereafter and, so far as I know, it was not used in the planning of the South Vietnamese operation. I do not know the latter for a fact. I will check it and answer it for the record.

(The following was subsequently supplied:)

"We have found no evidence that any information gained on the DeSoto patrols was used in the planning of the South Vietnamese operations."

Senator McCARTHY. All right.

TRANSMISSION OF INFORMATION TO SOUTH KOREANS

Secretary McNAMARA. Your second question—the same question with respect to the *Pueblo* in relation to South Korea. To the best of my knowledge, the *Pueblo* did not break radio silence from the time it moved on station, some time around January 10, to approximately January 22 and, therefore, could not during that period have transmitted any knowledge to the South Koreans. I am not aware that we had any plans, had the *Pueblo* voyage been completely successful, to transmit any knowledge to the South Koreans.

Senator McCARTHY. That answers the question. I am sorry we had the confusion over the question.

CARRIERS IN THE TONKIN GULF AREA

The CHAIRMAN. Mr. Secretary, what carrier was in the Gulf of Tonkin when this affair started?

Secretary McNAMARA. Pardon me, Mr. Chairman?

The CHAIRMAN. What carrier, aircraft carrier——

Secretary McNAMARA. I believe the *Ticonderoga* was there.

The CHAIRMAN. Was a second carrier moved in shortly before the second incident on the 4th?

Secretary McNAMARA. Mr. Chairman, my memory is faulty, I do not recall. I will be happy to answer it for the record.

The CHAIRMAN. Do you know, General Wheeler?

General WHEELER. At the time of the first incident, the *Ticonderoga* was in the Tonkin Gulf area. The *Constellation* was in Hong Kong, and we started to sail her south from Hong Kong toward the Gulf of Tonkin.

The CHAIRMAN. Shortly before August 4?

General WHEELER. Before August 4.

The CHAIRMAN. Had she arrived in the Gulf of Tonkin by August 4?

General WHEELER. She had not, sir. She was still outside the Gulf of Tonkin.

WHY IT WAS NECESSARY TO GO CLOSE TO COAST

The CHAIRMAN. Mr. Secretary, according to the orders sent to the *Maddox* and *Turner Joy* the ships were directed to go toward the North Vietnam coast and then retire to sea at night. The track of the ships took them within 8 nautical miles of the North Vietnam coast, and 4 nautical miles of the North Vietnamese islands. Why was it necessary to go so close to the coast?

Secretary McNAMARA. Just a minor point, Mr. Chairman. I think the *Maddox* was authorized to go as close as 8 miles, not directed to go to 8 miles, and I believe the *Joy* when it was added to the *Maddox*, was restricted to an area no closer than 11 miles, an in the latter case the *Maddox* and the *Joy*, operating under the restriction of no closer than 11 miles, did not actually go closer than 16 miles. The purpose of allowing such a proximity to the coast was, of course, to obtain the maximum amount of information on coastal activities.

The CHAIRMAN. They went as close as 4 miles to the islands, did they not?

Secretary McNAMARA. Yes, I am not sure they went as close as 4 miles, but they were authorized at least on July 30, to go as close as 4 miles.

The CHAIRMAN. They were authorized, and they were authorized to go no closer than 15 miles from the coast of Communist China; is that correct?

Secretary McNAMARA. That is correct.

OUR LEGITIMATE RIGHTS IN INTERNATIONAL WATERS

The CHAIRMAN. According to the cables the Defense Department sent to the committee, the commander in chief of the Pacific Fleet sent a message to the *Maddox* and *Turner Joy* on August 4, stating that the termination of the patrol after 2 days as called for in the operational plan, "Does not in my view adequately demonstrate the U.S. resolve to assert our legitimate rights in these international waters."

What did the commander mean by this? That is a quote from his statement.

Secretary McNAMARA. Well, the portion that is the quote, of course, does not indicate the ship went within the territorial waters of North Vietnam. I would simply like the record to show that it did not enter the waters claimed as territorial waters by North Vietnam or recognized as territorial waters by the United States.

The commander you referred to was sim-

ply responding to a suggestion from the task force commander or intermediate headquarters—I have forgotten which suggested that the patrol be terminated, and the commander you referred to said in his opinion, it should not be terminated, in view of the present President's statement of August 3, that we would continue to operate the patrol in international waters.

If we then terminated it, it would appear to him that we were changing the directive as made public by the President.

The CHAIRMAN. And he did not think it adequately demonstrated our resolve to assert legitimate rights.

Secretary MCNAMARA. I think that is exactly the language he used.

The CHAIRMAN. That is the language from the cable.

Secretary MCNAMARA. Yes.

Senator MORSE. May I refer to that cable a moment, the cable you just cited?

The CHAIRMAN. Yes.

Senator MORSE. Mr. Secretary, don't forget in paragraph 2 of that cable he said, "Accordingly."

According to paragraph 2 of that: "Accordingly, recommend following adjustments in remainder of patrol schedule. Provided paragraph T2, reference B in order to accommodate commander, U.S. Military Assistance Commander in Vietnam. Request patrol ships remain north of latitude 19–10 north until O60600H—to avoid interference with 34A OPS. Four August patrol from points Delta to Charlie remaining north at 19–10 north."

Then later in the cable, he says, "The above patrol will clearly demonstrate our determination to continue these operations.

"B. Possibly draw NVN (North Vietnamese Navy) PGNS (patrol boat) northward away from the area of 34A OPS.

"C. Eliminate DeSoto patrol interference with 34A OPS."

CONNECTION OF "MADDOX" AND "TURNER JOY" WITH SVN FLEET

Here you get from the commander of the fleet out there, specific reference to the operations of the South Vietnamese attacking boats with instructions to our destroyers. That is where you lose me, unless there is some break in my thinking, that is where you lose me if it is the contention that we were not using the *Maddox* in connection in some way with the attacks.

It is only my premise, and I am not reaching any final conclusion until I hear all of the record—I hope I am too good a lawyer for that—but it seems to me that these cables that we got from your own Department show that instructions went out to the *Maddox* and to the *Joy* in relationship to 34A, and they were being used.

Now, if they were, does that make any difference whether they were on the high seas or not, if they were acting as a provocateur, if they were in fact cooperating with the South Vietnamese boats? You are not arguing, are you, that the North Vietnamese had no right to attack them on the high seas?

Secreary MCNAMARA. I am arguing, Senator Morse, that the reason for the change in the area border from which area the *Maddox* was to be restricted was designed by the U.S. commander in South Vietnam to further separate the *Maddox* from the 34A operations in order to assure that there was less reason for anybody, including the North Vietnamese, to associate the two.

I am arguing further that the North Vietnamese themselves have stated that they did not confuse the two.

Senator MORSE. Well, Mr. Secretary, you give us the testimony of a captured prisoner or two, which does not bespeak what the naval operators of North Vietnam not captured were thinking. After all, when you are using a prisoner as a witness, you are certainly not using the best witness.

POSITION OF DESTROYERS IN 34A PROJECT

You see, one of the things that disturbs me is that I think the cablegram itself shows that we were trying to draw those North Vietnamese boats away from the South Vietnamese boats in order to give the South Vietnamese boats greater freedom of action, and that if that is not involving our destroyers in the 34A project, I do not know what it is.

I think we were using them as a decoy.

Secretary MCNAMARA. Senator Morse, had we been using them as a decoy we would not have so substantially increased the restricted area.

This move to north of 19 degrees 10 minutes was a move of about, I would say, 90 miles moving the northerly boundary of the restricted areas farther and farther away from the 34–A operations.

Senator MORSE. It is a pretty good decoy if you are trying to get the North Vietnamese boats to follow them.

Secretary MCNAMARA. No, because then the North Vietnamese boats knew that our boats had no hostile intent and played no hostile role. They knew that from having tracked them the previous nights, and they knew that from previous patrols, so there was no basis for this assertion by the author of that cable and, by the way, he said it would possibly draw them to the north. There was no——

Senator MORSE. Possibly in that context could be interpreted as hopefully.

Secretary MCNAMARA. In any case it was not possible and it was not a plan, and it was not the purpose of the DeSoto Patrol, and the Joint Chiefs had never considered that, and would never have approved that purpose, nor was the patrol carried out in such a way to permit such a purpose to be achieved.

Senator MORSE. It is most unfortunate you had them anywhere near there while the South Vietnamese attacks were going on because you opened yourself, I think, to just this kind of an interpretation of the messages.

The CHAIRMAN. Could I say to the committee that the Secretary has a luncheon engagement, and I thought we would adjourn at 12:30. The Secretary has agreed to come back at 2:30 if that is agreeable to the committee. We will have our floor vote around 1 o'clock.

FURTHER PRISONER IN 1967

Could I ask this, Mr. Secretary, I wonder why were we not given the fact that you had another prisoner in 1967? They told us about the prisoner in 1966, but Mr. Nitze never indicated you had a further prisoner in 1967 who testified. I think you should have notified us of that.

Secretary MCNAMARA. I think so, too. Mr. Chairman, I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days.

The CHAIRMAN. I see.

Senator LAUSCHE. Mr. Chairman, may I have just 1 minute?

The CHAIRMAN. The Secretary wants to go.

Secretary MCNAMARA. Mr. Chairman, I am quite happy to stay longer if the committee wants me to. I would be delighted to that, and also come back later this afternoon.

The CHAIRMAN. We will go to a quarter of one if you like.

Senator LAUSCHE. Yes.

WHAT IS OBJECTIVE OF THIS MEETING?

I would more clearly be able to see what is sought to be proved if I knew the objective of this meeting. One, were we trying to prove we were in territorial waters of North Vietnam and, therefore, North Vietnam had the right to shoot at us?

Two, are we trying to prove we were not shot at and that we initiated the shooting under a misapprehension of the facts?

Two avenues are sought to be followed, and there is nothing clear in what has been developed this morning after two and a half hours of what the real objective of this meeting is.

It looks to me as if it is trying to put the United States in a bad light and the North Vienamese in a good light, and I cannot subscribe to that.

Senator MORSE. Mr. Chairman, could I say something about procedure?

The CHAIRMAN. Senator Morse.

Senator MORSE. It is easy in situations such as this for sincere men with some different viewpoints trying to find out, to check their own viewpoints against the evidence that the Secretary of Defense can offer us, to take the position that we are trying to put our country in a bad light, as Senator Lausche suggests.

There is no basis for that at all. I think this is so important that we try to find a way of reaching an understanding with regard to the Gulf of Tonkin.

I am not convinced by anything the Secretary has said this morning that we followed the proper course in regard to the *Maddox* and the *Joy* in reference to this incident, and that is why we want his answers to these cables, and we want the supplements to these cables of information we do not have, anything that he can give us.

There is still every reason for my continuing to believe that we followed an unwise course of action in the Tonkin Bay incident, and that we do not have clean hands in regard to what happened over there. It just happens to be my honest opinion. But that does not mean I am not going to change it before this hearing is over.

So the procedural point I make, Mr. Chairman, I think we ought to continue. I think this has been very beneficial. Each person will get his turn to discuss this.

I think you have done a magnificent job in carrying out this meeting. We ought to meet this afternoon, but whatever hours the Secretary has indicated are necessary would be of assistance to us. I am not so sure that you can finish it this afternoonn. If you cannot, we ought to meet tomorrow morning. This is the last opportunity that we will have to talk to the man, who is the best witness in regard to helping us get the facts because he was Secretary of Defense at the time, and I hope that there will be no attempt to restrict the chairman or any other member of this committee from taking the time we need to carry out what we think our duty is.

Senator GORE. Mr. Chairman, could I have a half minute to answer, to attempt to answer, Senator Lausche's question?

The CHAIRMAN. Yes.

EXAMINATION OF TONKIN INCIDENTS

Senator GORE. Before you entered the room, Senator Lausche, the chairman stated the purpose of the hearing was to develop as fully as possible the true facts relating to the incidents in the Gulf of Tonkin in the process of examining the decisionmaking process of the United States in a crisis; is that correct?

The CHAIRMAN. That is correct.

Senator GORE. Now, the country, rightly or wrongly, has taken itself—has been taken into a war that has proved rather disastrous, and it is important not only from the context of history but for the future of our country to examine this particular incident and develop the truth. Insofar as I am concerned, I share in the objective the chairman stated, as the chairman stated it.

The CHAIRMAN. That is correct. This resolution has been interpreted by the administration as a "functional equivalent" of a declaration of war under the Constitution.

I do not accept that definition, but in any case that is what Under Secretary of State Katzenbach said.

It seems to me how one makes a decision that inspires a functional equivalent of a declaration of war is very important to the country and to this committee.

Senator LAUSCHE. The paper that was submitted in the last 2 weeks, and which I read, premised its judgment or its implied recommendations on the claim that we were never fired upon, that there was proof of those on the ship who said, "We saw no torpedoes," and the implication was that we initiated the firing.

Well, today I do not know, the questions are directed not to that, to proving that point, but to prove the point that we were in waters in which we were not allowed to be and, therefore, the Communists had the right to shoot at us.

I do not know which direction you are moving and in trying to establish some conclusions as a consequence of this meeting.

The CHAIRMAN. Mr. Secretary, then with your permission we will go until a quarter of one.

I would like to get through this because then each member will be called upon for his own questions. These questions are all based upon official documents which we have received, and that is why I thought it was important to address the initial questions to them.

I will go through one or two more before we adjourn.

NATURE OF INFORMATION RECEIVED BY "MADDOX"

Mr. Secretary, some 15 hours before the second incident on the 4th of August, the *Maddox* sent a message to the commander of the 7th Fleet stating that evaluation of information from various sources indicated that the North Vietnamese considered the patrol directly involved with the South Vietnam attacks on North Vietnam. These attacks, as has been stated, took place on the night of the 3d and 4th of August.

Could you tell us what the nature of this information that the *Maddox* received was?

Secretary MCNAMARA. Mr. Chairman, I have already responded to that question. It was asked an hour or so ago, and I stated then that the *Maddox* had not received any information that would have supported such a conclusion.

Captain Herrick, the man who wrote the cable, testifies today he can recall no information that would have supported the conclusion and, as I mentioned, a North Vietnamese prisoner stated that the North Vietnamese separated the patrol from the operations, knew they were not connected.

Senator CASE. Was the cable sent?

The CHAIRMAN. Yes. This is a cable from the *Maddox*.

Senator CASE. No question about that, Mr. Secretary?

Secretary MCNAMARA. Oh, no, no.

The CHAIRMAN. This was the language I mentioned.

Senator CASE. Is there a suggestion that somebody else other than the commander sent a cable?

The CHAIRMAN. No. Who was the commander?

Secretary MCNAMARA. Herrick.

The CHAIRMAN. Where is he now?

Secretary MCNAMARA. He is in this country.

The CHAIRMAN. What is his assignment?

Secretary MCNAMARA. I think he is in the Norfolk area.

The CHAIRMAN. He was the then commander of the *Maddox*?

Secretary MCNAMARA. He was the commander of the task force.

The CHAIRMAN. Who was commander of the *Maddox*?

Secretary MCNAMARA. He was CTG 72.1 who was superior to the commander of the *Maddox*. They embarked a task force commander onboard the *Maddox* in addition to the commander of the *Maddox* itself.

The CHAIRMAN. Just for the record, who was the commander of the *Maddox*?

Secertary MCNAMARA. I do not know.

The CHAIRMAN. Commander Ogier?

Secretary MCNAMARA. Yes.

The CHAIRMAN. Who was commander of the *Turner Joy*? Barnhard?

Senator GORE. Who sent the cable?

Secretary MCNAMARA. Herrick sent the cable.

Senator MORSE. Do I understand he was on the *Maddox* when he sent the cable?

Secretary MCNAMARA. Yes.

Senator CASE. Now he says he did not have any——

The CHAIRMAN. Justification for it.

Secretary MCNAMARA. This was speculation on his part, and says he has no basis for speculation.

The CHAIRMAN. What I was really asking for, he says from various sources. I assumed this to have been some of these messages that we have previously talked about.

Secretary MCNAMARA. We have gone over all the messages and I know of no information in them that would lead to such a conclusion, so I can only conclude that it was sheer speculation, unfounded speculation.

Frankly, I have in my own mind an explanation of why he sent it, but I do not think it bears on the issue at hand, and I am not going to repeat it to you.

WHY WAS PATROL NOT BROKEN OFF?

The CHAIRMAN. For the record, why was the patrol not broken off if we were certain that the North Vietnamese considered our ships part of an attack on North Vietnam?

Secretary MCNAMARA. We were not certain they considered it. We had every reason to believe that they did not believe our ships were preparing to attack North Vietnam.

The CHAIRMAN. They did not?

CABLE FROM THE PHILIPPINES

As to the second incident itself, I want to read a cable sent to Washington in the immediate aftermath of the second incident by the Naval Communications Center in the Philippines. I want to note, as background, that this naval facility had monitored all of the messages coming from the *Maddox* and the *Turner Joy* during the incident. The text of the message from the Philippines, after review of all the reports from the *Maddox* and *Turner Joy*, reads as follows:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

With a cable like this coming from the Philippines, it seems to raise a very serious question as to why, in view of this suggestion, at least some reasonable investigation or delay in time in order to clarify was not taken.

I think, Mr. Secretary, you will have to admit that this was a pretty clear warning that there were some uncertainties about the situation.

Secretary MCNAMARA. Mr. Chairman, let me make sure we have the right cable so we can all be talking about the same thing.

The CHAIRMAN. Mr. Bader, bring the document.

Secretary MCNAMARA. Give me the time date, let me get it from them.

[Deleted.]

The CHAIRMAN. Will you place it in time context?

Secretary MCNAMARA. Yes. You say that is from the Philippines? My message in front of me indicates it is from the commander of the task force.

COMMUNICATION FROM PHILIPPINES SUGGESTS ATTACKS UNCONFIRM

Mr. BADER. It is from the Communications Center, Philippines to CINCPAC Fleet, and then it——

Senator GORE. Read it.

Mr. BADER. It is the same cable that the Senator just read:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather——"

Secretary MCNAMARA. Let me look at the cable because you may have misidentified it.

Senator GORE. Let him read it first.

Mr. BADER (reading):

"Freak weather effects and over-eager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

This is a copy of the original cable, Mr. Secretary.

Secretary MCNAMARA. I just want to see the identification on the top.

General WHEELER. It is a relay from the commander of the task force.

Secretary MCNAMARA. I think I am correct in saying this is a message from the task force commander. It is of some importance, as you will see later, who it came from. The underlying message is here. I will be happy to give it to you. It is exactly the same words.

Mr. BADER. Mr. Secretary, it is marked as NCS Phil.

Secretary MCNAMARA. Yes, but that is the relay point. The message from the task force commander goes to the Philippines and then is relayed in here, and that message, therefore, is from the task force commander.

Now, the reason it is important——

The CHAIRMAN. I am not sure it makes it any weaker.

Secretary MCNAMARA. I am not arguing. I just want to get the facts straight.

The CHAIRMAN. All right.

Secretary MCNAMARA. Now, that message came in to us, I believe, at 1327 on the 4th of August, and it is a message from the commander of the task force stating that atmospheric conditions and sea conditions and other conditions cast doubt on some of the reports of firings, observations, and torpedoes.

Senator MORSE. Is that Herrick again?

Secretary MCNAMARA. Yes.

Senator MORSE. He was on the *Maddox*?

Secretary MCNAMARA. Yes.

Senator MORSE. And from the *Maddox* he sends this wire which raises questions of doubt.

Secretary MCNAMARA. That is correct. At least, that is the way my message reads. It reads "From the Commander of Task Group 72.1," which is him.

Senator MUNDT. Would he be in a better position to know what happened?

SOURCE OF MESSAGE IS IMPORTANT

Secretary MCNAMARA. Oh, yes, I am not disputing the point, I am just trying to get the record clear as to where the message came from, and it is important that he raised these points himself.

What would you think we would do when we got it? Well, obviously we were concerned, and we immediately began to examine it, and I have here a whole series of steps we took at that point as to what was done. I personally called Admiral Sharp and brought this to his attention, and said we obviously do want to carry out retaliatory action unless we are "damned sure what happened." Those were the exact words.

The CHAIRMAN. Did you see the cable?

Secretary MCNAMARA. I am not sure I saw the cable or whether it was brought to my attention in an oral report. General Burchinal, who was then Director of the Joint Staff, was downstairs a floor below my office, and I had a number of telephone conversations

with him, and I do not know whether I saw the document or whether he reported it to me. But anyhow, I got the information, because I then called Admiral Sharp, and I have a transcript of that telephone conversation in which the specific words were, "We obviously don't want to carry out the retaliatory strike unless we are damned sure what happened." Then the instruction was to go find out.

Now, there is a lot of exchange here, Mr. Chairman. You may not want to take the time now to go into it.

Senator MUNDT. We had better wait until 2:30.

Secretary MCNAMARA. If you do I am willing to go through it.

The CHAIRMAN. If you wish then, it is a quarter of 1, and we will just resume at this point, if that is agreeable.

Secretary MCNAMARA. I will be happy to do that.

The CHAIRMAN. All right.

Secretary MCNAMARA. Mr. Chairman, may I say I notice there were press out in front when I came in. It will be my intention to walk out there and say nothing.

The CHAIRMAN. That is mine, and I am going to say I have nothing to say, which is exactly what I am going to say.

(Whereupon, at 12:45 p.m., the committee recessed to reconvene at 2:30 o'clock the same afternoon).

[Afternoon session, 2:40 p.m.]

PRESS RECEIVES SECRETARY M'NAMARA'S STATEMENT

The CHAIRMAN. The press says the Pentagon has released it.

Secretary MCNAMARA. We have, Mr. Chairman.

The CHAIRMAN. In view of that, there are some here who said their people called them and they wanted it. You have some copies here.

Secretary MCNAMARA. Yes, right. I will tell you what I did, Mr. Chairman. UPI 109, which came out about 1:22 this afternoon, after we had all left here, stated that a member of this committee said today one of the vessels involved in the 1964 Gulf of Tonkin incident penetrated North Vietnam's 12-mile limit. The information was given the committee by McNamara. That is just——

The CHAIRMAN. Who did that?

Secretary MCNAMARA. I would rather not say. I have it here if you wish to read it. UPI 109. But that is just contrary to what I said this morning. I cannot stand without having what I said in my statement issued.

Senator COOPER. I have been asked if you said it. I said you did not.

The CHAIRMAN. It says Senator McCarthy said it.

Secretary MCNAMARA. That is why I released it.

Mr. Chairman, I had instructed my people under no circumstances to release it and they did not release it until I issued the instructions to them.

The CHAIRMAN. When I went out I said I had nothing to say.

Secretary MCNAMARA. So did I.

The CHAIRMAN. They said, "Are you going to have anything to say this afternoon?" I said, "Not so far as I know."

Senator SYMINGTON. Will the chairman yield?

Mr. Chairman, the Navy is up before the Armed Services Committee, and I plan to go back there. Before leaving, however, may I remind us that at a previous meeting I felt we first ought to have somebody discuss this matter, somebody from a "high classification" standpoint, CIA or DIA. We kicked that around a bit.

It is clear the Secretary himself was not alone responsible for the orders out there. Every Senator should have the right to know the full details of what went on, but I would again point out the witness would not be the only one to make any decision.

I would express my regret that any member of the committee said anything to the press if there was agreement not to say anything.

If you will excuse me, Mr. Secretary, I would like to go back and listen to why we need all that money. [Laughter.]

Secretary MCNAMARA. Thank you very much much, Senator.

Senator SYMINGTON. It is a lot.

The CHAIRMAN. Well, the committee will come to order.

NAVAL COMMUNICATION RECEIVED FROM PHILIPPINES

We were, when we adjourned, discussing—just for the record I will reread it, a report, a cable, or message that was relayed by the communications—Naval Communications Center in the Philippines, a message that had been sent by Commander Herrick of the task force. It reads:

"Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

To pin it down again, when was that message sent?

Secretary MCNAMARA. I believe it was sent—the number date group is [deleted] meaning Greenwich time, and that would mean it was sent at—on the 4th of August at around 1:30 p.m. eastern daylight time.

The CHAIRMAN. What was local time?

Secretary MCNAMARA. Local time would have been around 1:30 a.m., August 5.

The CHAIRMAN. Approximately 4 or 5 hours after the attack took place.

Secretary MCNAMARA. Yes, perhaps 3 hours.

The CHAIRMAN. Is that approximate?

Secretary MCNAMARA. Three hours.

The CHAIRMAN. Three hours afterward and it was received in Washington——

Secretary MCNAMARA. Essentially a few minutes.

Senator GORE. If you will yield so that I may relate something.

The CHAIRMAN. Yes.

Senator GORE. One instruction to the task force was that it search the area for debris. Was this after the search for debris?

Secretary MCNAMARA. Substantially before the search for debris. I have forgotten the exact times. I can give it to you or insert in the record. It was the following day that the search for debris was to take place.

(The following was subsequently added:)

"The instruction to search for debris was initiated at 5:11 p.m. e.d.t."

Senator GORE. In that connection, did they find any debris?

Secretary MCNAMARA. I do not believe so.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. As a matter of fact, this approximately 1:30 a.m. would be on the 5th, would it not? It would have been a.m. of the 5th.

Secretary MCNAMARA. That is correct, local time If I said around 1:30, I meant around 1:20, Mr. Chairman.

The CHAIRMAN. 1:20.

Secretary MCNAMARA. On the 5th.

The CHAIRMAN. The morning of the 5th.

Secretary MCNAMARA. That is correct. Local gulf time.

The CHAIRMAN. That is right.

Well now, will you come back to that message. Did you have something to say?

Secretary MCNAMARA. Yes, Mr. Chairman; if I may take a few minutes of your time, I would like to tell you of a sequence of conversation with respect to this subject. Because needless to say we were concerned about the question raised. Although the message itself does not state that he questioned whether an attack had taken place, it did say that many reported contacts and torpedoes fired appeared doubtful. So we began then to correlate information and ask for further views and evaluations from the commander in chief of the Pacific.

CONVERSATION WITH PACIFIC COMMANDER

At roughly 2:45 Eastern Daylight Time, which is roughly an hour and 20 minutes later, the commander in the Pacific, or rather the commander of the task force, reported to the commander in the Pacific that he was certain that the original ambush was bona fide. This is a message on [deleted]. Details of the action present a confusing picture, but he had made positive visual sightings of cockpit lights or similar lights passing near the *Maddox*, and the *Turner Joy* reported two torpedoes passed near her.

Then, at 1500, roughly 15 minutes after the report I just gave you, I met, along with Secretary Vance, with the Joint Chiefs of Staff to review all of the evidence relating to the attack, to determine whether, in fact, an attack on the destroyers had occurred. We met for about 2½ hours discussing it, reviewing it, considering particularly the communications intelligence information we had available to us, and then at 1723, which was 2 hours 23 minutes after the meeting started, we received a telephone call from the commander in chief of the Pacific stating that in his opinion the attack had occurrd.

I should have mentioned earlier that about 40 minutes before that telephone call, this is to say at 1640, the commander in chief Pacific had called in stating that he had received the information from the commander of the task group, saying that the commander of the task group was certain the original ambush was bona fide and had made positive visual identification of cockpit lights, and reporting that the *Turner Joy* had reported two torpedoes.

Then, as I say, about 43 minutes after that the commander in chief Pacific called back again while I was still in the meeting with the Joint Chiefs, stating that he was convinced the attack had occurred and that all were satisfied it had.

Then, at 1807, which was 34 minutes after that, the commander in chief Pacific called again, and I was present down in the Joint Chiefs quarters when the call came in. We discussed it, and he stated he was fully assured the attack took place. I stated that I was then convinced that it had, and I released the Executive order on the strike. So that between 1327 and 1807 we were reviewing the information that bore on whether an attack had taken place.

Senator GORE. Would you mind stating again what he said in the call at 1807?

Secretary MCNAMARA. Yes. I spoke to the director of the Joint Staff and asked him to make certain that the commander in chief, Pacific was willing to state that the attack had taken place, and therefore that he was free to release the Executive order because earlier in the afternoon I had told him that under no circumstances would retaliatory action take place until we were, to use my words, "damned sure that the attack had taken place."

He confirmed that he believed the attack had taken place. I stated that after my further discussions with the Chiefs and reexamination of all of the evidence, particularly the communications intelligence, that I was convinced it had taken place and therefore he was free to release the Executive order.

COMMITTEE REQUEST FOR RELEVANT INFORMATION

The CHAIRMAN. Were these conversations—did we receive copies of these reports?

Secretary MCNAMARA. I do not know that you did, Mr. Chairman.

The CHAIRMAN. It seems to me they are relevant to this situation. Why did we not?

Secretary McNAMARA. I do not know that anyone asked. Nobody asked me for them. But in any case I will be happy to see that you get such information.

The CHAIRMAN. We—I think we should have them. As I told you in the beginning, obviously we cannot know all that is available. It was my understanding with Secretary Nitze that all relevant communications would be made available. It seems to me this certainly should be made available. They do not involve any highly secret matters, and I think all of it should be made available.

Secretary McNAMARA. Mr. Chairman, I am quite happy to make it available to you. Nobody queried me about it. These were conversations I had with Admiral Sharp. I do not know all of the records that are available in the Department on such matters. But I know what I said to him, and I will be happy to check to see whether there are records.

(The check is in progress according to the Department of Defense.)

Senator LAUSCHE. What was Sharp in charge of?

Secretary McNAMARA. He was commander in chief of the Pacific at that time.

Senator LAUSCHE. Pacific.

Secretary McNAMARA. Yes, and had his headquarters in Hawaii.

The CHAIRMAN. I do not think I recall seeing any records of conversations of that kind, Mr. Bader; did we?

Mr. BADER. I did not hear.

Mr. MARCY. No, sir; we did not have any conversations.

The CHAIRMAN. I think we should have all of those that are relevant to this situation. It was my understanding that we were to be given those, with the sole exception of that one communication that you said was an intercept.

Secretary McNAMARA. Mr. Chairman—pardon me, sir.

Senator LAUSCHE. May I put a question at this time, Mr. Chairman?

The CHAIRMAN. Sir?

Senator LAUSCHE. May I put a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. The report that was submitted to us by the staff indicated that the commander of the Pacific sent a communication back to the commander of the 7th Fleet asking that a careful check be made to make certain that there was an attack and that communication indicating that the commander of the Pacific was in doubt has been used as the basis of a charge that there was no attack made. Will you comment on that?

Secretary McNAMARA. Yes.

DOUBT ABOUT ATTACK

The commander in the Pacific at one point was in doubt—I do not believe as to whether an attack had been made, but as to the character of the attack and the details of the attack and his doubts occurred for at least two reasons: First, because he had received a copy of the message that we referred to a moment ago, message [deleted] from the commander of the task force reporting questions about certain of the details of the incident, and, secondly, the commander in the Pacific expressed doubts because I, having seen the same message, called him on the telephone and said I had seen it. I had doubts as to the details. I wanted him to examine them, supply me additional evidence and, to use my words, "be damned sure that no retaliatory action was taken until any doubts as to what went on were eliminated, at least to the point of justifying retaliation."

Senator LAUSCHE. Then the use of the commander of the Pacific's communication to the commander of the 7th Fleet asking for extreme caution was the consequence of talks which you had with the commander of the Pacific that no retaliatory action be taken unless it was damned certain that there was an attack.

Secretary McNAMARA. That was one of the two contributing factors, the other being the cable he had gotten from the commander of the task force.

Senator LAUSCHE. I might say that the report filed with the committee, the secret report, predicated doubts about the alleged—about the attack, because the commander of the Pacific asked for further information wanting to make certain.

Senator GORE. Mr. Chairman, I must say again that is not an accurate statement. I would like my friend from Ohio——

Senator LAUCHE. Point out where it is not an accurate statement.

Senator GORE. I will not take the time now, but I will be glad to do it privately.

Senator LAUSCHE. Point out where it is not, because that is the communication that went through.

Senator GORE. My friend from Ohio is all emotional about this.

Senator LAUSCHE. I certainly am.

Senator GORE. But it is not an accurate statement. I will be glad to point it out to you privately.

Senator LAUSCHE. Yes.

The CHAIRMAN. Proceed, Mr. Secretary.

Secretary McNAMARA. Mr. Chairman, that covers my comment on the details of the incident.

The CHAIRMAN. Is it understood you will make available all of the conversations during this period relative to this attack?

Secretary McNAMARA. That we have a record of; yes. I am not certain, Mr. Chairman, how much record we have. Generally speaking, there are no records made of telephone conversations in the Defense Department other than communications that happen to go through a very special channel, which is the channel of operational command. I do not allow any recordings, I have none in my office, and there are no recordings made of conversations in any other offices of the building with this single exception of the operational command channel.

I do not know how much of this will be recorded. I will have to examine it to see.

The CHAIRMAN. What is the source of your statement there?

Secretary McNAMARA. The source of my statement is my memory of what I myself said and did, since I am reporting on my own conversations.

The CHAIRMAN. I see.

Secretary McNAMARA. May I say one further thing? A moment ago someone mentioned that you understood you had been given all information excepting for one communications in intelligence message. There were many communications intelligence messages that bore on this, at least nine, that I would like to acquaint you with this afternoon. I do not—if we have misled you to believing there was only one, I regret it. I am just commenting on the statement that someone made a moment ago.

CLASSIFICATION OF COMMAND AND CONTROL STUDY

The CHAIRMAN. Are these matters you are talking about now in the study that was prepared, the command and control study, which was not given to us?

Secretary McNAMARA. I do not know how much of it was in there. It does not bear a communications intelligence classification. I do not know why it does not. It is classified top secret. If it were to be—if it were based on communications intelligence and referred to it, it would have to be more highly classified. I myself cannot explain whether he did or did not have access to it. I have asked people to look into it. This is one of the problems I have with it. We do not know exactly what access the author had to all the information available. I know he did not talk to me. I know he did not talk to General Wheeler. I do not believe he talked to others who participated in the decisionmaking and evaluating process.

The CHAIRMAN. If I can clear up a point, did you agree this morning to make that study available to the committee?

Secretary McNAMARA. If the author of it had access to raw material such as to allow him to give a balanced picture of it—and I frankly do not know—it is a very long, long detailed study. I understand it was for the purpose of examining some of the procedures of the Joint Staff. The Chairman of the Joint Chiefs was not aware of it. I have not been aware of it. Neither one of us has yet had time to examine it in detail. I cannot tell you to what degree the author was acquainted with all of the facts relating to the incident. I know he was not acquainted with the facts I had in my mind because he did not ever talk to me about it.

Senator GORE. Mr. Chairman, if the chairman will yield.

The CHAIRMAN. Yes.

Senator GORE. Well, even though that be the case, it seems to me it would contribute to the probity of this procedure if we had the report and study, together with such information as the Secretary and his assistants think was lacking by reference or availability to the author. I hope the committee is going to dig quietly and thoroughly into this whole proposition because this is a very fundamental question about the decisionmaking process, and a question of war or peace.

The CHAIRMAN. It is.

Senator GORE. And I would hope that the Secretary would make it available, together with such deficiencies as in his view it suffered.

VERIFICATION OF INCIDENT WAS ADEQUATE

The CHAIRMAN. That raises a question, Mr. Secretary, that is after the incident in September I understand you convened a formal inquiry into that incident, is that not right?

Secretary McNAMARA. I think that I first sent out certain representatives of my own on an informal basis to check—to see whether there was sufficient basis for questioning whether the incident took place, and then later asked the Navy to set up an investigating group, Mr. Chairman.

The CHAIRMAN. That was not done on the August 2 one.

Secretary McNAMARA. No.

The CHAIRMAN. Why not?

Secretary McNAMARA. Or August 4.

Because the information was persuasive that it took place. I myself had doubts as to the incident of September 18 right from the beginning of the set of reports we received on it. It was not preceded by, nor accompanied by, nor followed by intelligence reports of the kind that we had available to us on both the August 2 and August 4 incident.

The CHAIRMAN. Is that all you have then to say on that matter from Commander Herrick?

Secretary McNAMARA. Yes, sir, it is.

The CHAIRMAN. Who was the sonarman on the *Maddox* to whom he refers—an overeager sonarman—do you know?

Secretary McNAMARA. I do not know whether he said man or men.

The CHAIRMAN. It says man.

Secretary McNAMARA. I can find out the name of the man.

The CHAIRMAN. I just thought you had it there. If you could supply it for the record.

Secretary McNAMARA. Surely, I would be happy to.

(The following information was supplied:)

To the best of our knowledge, his name is David E. Mallow, Sonorman Third Class.

The CHAIRMAN. You said this morning Commander Herrick is in Norfolk.

Secretary McNAMARA. Norfolk, I believe.

I believe the message says "men," not "man," "overeager sonarmen."

The CHAIRMAN. Was there more than one?

Secretary MCNAMARA. Well, at least the message says "men."

TIME OF ORDER FOR ATTACK

The CHAIRMAN. When was the order you mentioned a moment ago, the executive order——

Secretary MCNAMARA. Execute order.

The CHAIRMAN. When was that issued?

Secretary MCNAMARA. When was it what, sir?

The CHAIRMAN. When did you authorize it to be sent?

Secretary MCNAMARA. At——

The CHAIRMAN. What time?

Secretary MCNAMARA. 1807 eastern daylight time, August 4.

The CHAIRMAN. Which would be?

Secretary MCNAMARA. 6:07 p.m.

The CHAIRMAN. Out there?

Secretary MCNAMARA. Which would be in the morning out there.

The CHAIRMAN. Just 12 hours different, is it not?

Secretary MCNAMARA. That is right, exactly; 6:07 a.m. August 5, gulf time.

The CHAIRMAN. Right. That was approximately 8 or 10 hours after the attack.

Secretary MCNAMARA. That is right.

The CHAIRMAN. I will proceed with these others.

A review of the communications sent by the *Maddox* and *Turner Joy* during and after the incident on August 4 suggests that there was much confusion on the ships and contradictory information coming from the ships. Are you personally satisfied that the evidence then available of the second attack on these vessels was so conclusive that it was reasonable for the United States to retaliate by sending 64 sorties against North Vietnam?

Secretary MCNAMARA. I am, Mr. Chairman, and in answer to the question, rather than take your time, I would like to have inserted here the first full paragraph on page 19 of my statement including the 10 or 11 bits of evidence available to me at the time the execute order was sent establishing beyond any reasonable doubt that the attack took place.

(The following information was subsequently supplied:)

"Some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time that the reprisal air strikes were ordered executed. Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place. Allow me to repeat again that information:

"An intelligence report of a highly classified and unimpeachable nature received shortly before the engagement, stating that North Vietnamese naval forces intended to attack the *Maddox* and *Turner Joy*.

"Reports from the ships that their radars indicated they were being shadowed by high speed surface vessels.

"Reports from the ships that they were being approached by the high-speed vessels and an attack appeared imminent.

"Reports from the ships that they were under attack.

"A report from the ships that searchlight illumination had been utilized by the attacking craft and that gun fire against the patrol had been observed.

"A report that two torpedoes had passed close to the *Turner Joy* and that there had been positive visual sightings of what appeared to be cockpit lights of patrol craft passing near the *Maddox*.

"An intelligence report stating that North Vietnamese naval forces had reported they were involved in an engagement.

"Reports from the U.S. ships that they had sunk two and possibly three of the attacking craft.

"An intelligence report stating that North Vietnamese naval forces had reported losing two ships in the engagement.

"A report from the on-scene Task Group Commander that he was certain that the ambush had taken place, although precise details of the engagement were still not known.

"A report from the Commander-In-Chief, Pacific that he had no doubt that an attack had occurred."

COMMAND AND CONTROL REPORT

The CHAIRMAN. The committee has information that the Department of Defense has a report on the operational command and control procedure during the second incident. Our information is that this study includes the text of communications between President Johnson anud Admiral Sharp and others during the period when the critical decisions were being made. I understand that you have reviewed this study yourself; is that correct?

Secretary MCNAMARA. Which study are we talking about, Mr. Chairman?

The CHAIRMAN. I did not know there was but one, on the operational command and control procedures, the one to which we have already referred.

Secretary MCNAMARA. I have not read the entire study. It is a very thick document. I first learned of it a few days ago when you asked for it. I asked my staff to get it for me at the time. They did. I glanced through it. It raises lots of questions, one, because its classification is not high enough to indicate that it covers all of the intelligence information which contributed significantly to our conclusion that an attack took place and, two, I know that the author of it did not discuss with me, and I am told he did not discuss with General Wheeler, events which took place during the day, and there are certain events which took place during the day that only General Wheeler, or I, or the President, or one or two others whom the author did not contact, had knowledge of.

I am not aware, for example, of any communication between President Johnson and Admiral Sharp.

General Wheeler, do you know of any?

General WHEELER. I know of none, sir.

The CHAIRMAN. Who was the author?

Secretary MCNAMARA. What was the author's name?

General WHEELER. Ponturo. He was an employee of the Institute for Defense Analysis.

The CHAIRMAN. How do you spell his name?

General WHEELER. I do not know. I would say P-o-n-t-u-r-o.

The CHAIRMAN. Ponturo. Is he still there?

General WHEELER. Yes; he is, sir.

Senator GORE. Mr. Chairman, do I understand he made an unauthorized study or was it authorized?

STUDY NOT BROUGHT TO THE ATTENTION OF PENTAGON CHIEFS

Secretary MCNAMARA. He made a study for one of the sections of the Joint Staff on certain procedures and operations that that section was interested in. The study was not brought to the attention of the Chiefs and it was not brought to my attention, and I am not familiar with how he made it or what access he had to information that bore on the attack.

Senator GORE. Are copies widely distributed in the Department?

Secretary MCNARAMA. Not to my knowledge.

Senator GORE. How many are there?

Secretary MCNARAMA. I do not know.

The CHAIRMAN. General Wheeler, do you know about that?

General WHEELER. In the first place, this was not a study. It was a critical incident report. I understand that there were some 40 copies made. It was never coordinated within the Joint Staff. It has been the practice within the Joint Staff to have a series of examinations of staff procedures, and this was one of the inputs to the methodology of improving our staff procedures, Mr. Chairman.

The CHAIRMAN. Is this the only attempt to bring together these various elements in one place? Is there any other study?

General WHEELER. I know of no other, Mr. Chairman.

The CHAIRMAN. This is it. If there is one, this is it.

General WHEELER. This it is, and, as I say, until a request was made the other day, just like Mr. McNamara, I had never heard of this study or critical incident report or whatever you want to call it. And it had never been reviewed by the Joint Chiefs. It had never been subjected to cross check within the Joint Staff, and, as the Secretary indicates, scanning it, which is all I have had time to do, I find errors of fact and I believe omissions that would be pertinent to any definitive study of the operation.

The CHAIRMAN. Would either of you be willing to inform the committee as to what you do or you have observed in this report or do you wish not to?

Secretary MCNAMARA. I would rather not, Mr. Chairman, because I have not had time to read this. I have been testifying before committees of Congress in the last 2 weeks and this is a document of great length, and I have not read it.

General WHEELER. I have read maybe a half dozen pages, Mr. Chairman, and that is all. And any comment I make would be incomplete and maybe misleading.

The CHAIRMAN. All right.

Does either the study of your own knowledge indicate there were considerable delays in receiving information from the ships and that as time went on there was increasing evidence throwing doubt on whether there had been an attack at all?

Secretary MCNAMARA. Absolutely not.

Mr. Chairman, I would like at some point, subject to your permission, to review in detail the communications intelligence information which was very important in its effect upon our interpretation at the time of other evidence we received and very important in its influence on our decision at the time that an attack had taken place.

Senator MORSE. I think that is very important.

The CHAIRMAN. Pardon me?

Senator MORSE. I think it is very important whenever you want to have the Secretary do that that it be done.

The CHAIRMAN. I do, too.

SPECULATION ON NUMBER OF TORPEDOES FIRED

In the reports of the attacks from the ships on August 4, the figure of 22 torpedoes is given as the number of torpedoes fired at the *Maddox* and *Turner Joy*. How many North Vietnamese patrol boats would have had to have been 65 miles at sea at the time of the incident in order to fire 22 torpedoes?

Secretary MCNAMARA. I do not know, Mr. Chairman. I am not entirely sure how many torpedoes each of the boats carried, but we had reason to believe at the time that there were not a large number of torpedo boats participating in the attack.

The CHAIRMAN. Then the report that there were 22 is still in error.

Secretary MCNAMARA. I think it probably was. The report that came in from Admiral Sharp, after he began his investigation of the details, stated that the *Turner Joy* reported two torpedoes passed near here.

The CHAIRMAN. I think we have been told by someone that a PT boat carries two torpedoes. Does your staff know about that?

General WHEELER. That is correct.

The CHAIRMAN. Is that not correct?

General WHEELER. That is generally.

The CHAIRMAN. Does a Swatow boat carry torpedoes?

Secretary MCNAMARA. A Swatow does not carry torpedoes.

Senator MORSE. Could I ask a question there, because you raised it, and I was going to ask the Secretary later.

On page 17 of your statement this morning you said:

"In addition to the above, intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

Before I jump to a conclusion, I thought that if the Swatow boats attacked, they would attack with torpedoes but apparently they make some other kind of attacks.

Secretary MCNAMARA. They have guns, but they do not have torpedoes, Senator Morse.

Senator MORSE. Do they have heavy-caliber guns?

Secretary MCNAMARA. No; relatively light, 37-millimeter guns, and it was this information that we had available to us that caused us to question some of the reports of numerous torpedo attacks.

The CHAIRMAN. It is unusual for a Swatow with a 37 millimeter to attack a destroyer with 5-inch guns anywhere under any circumstances, is it not?

ORDER FOR SWATOWS TO ATTACK

Secretary MCNAMARA. Well, Mr. Chairman, I am prepared today to show you the order to Swatows to do that.

Senator MORSE. How fast can they go? Can they catch a destroyer?

Secretary MCNAMARA. Yes.

General WHEELER. They can do 43 knots.

Senator MORSE. They can?

Senator PELL. Excuse me; if I may interrupt for one second. You mean there is available, there can be shown to us, an operational order directing a small light ship armed only with machineguns to attack a destroyer?

Secretary MCNAMARA. Yes.

The CHAIRMAN. Do you wish to do it at this point?

Secretary MCNAMARA. Yes, I will have to ask the room be cleared of all personnel for special——

The CHAIRMAN. Why do we not finish these and then we will come to that. I did not know that was necessary.

Secretary MCNAMARA. Very good.

The CHAIRMAN. Did the North Vienamese use shipboard radar during the attack?

Secretary MCNAMARA. I believe the answer is "Yes," but I cannot say for sure.

General WHEELER. Yes; there is one message which talks about being painted by what they thought was a skinhead radar, and the skinhead is a name for a type of radar, a surface-search radar, which is carried on a Swatow-class vessel.

The CHAIRMAN. Skinhead is a strange name. What does that mean for a layman?

General WHEELER. All it is, it is a surface-search radar.

The CHAIRMAN. Surface search.

General WHEELER. Yes.

The CHAIRMAN. And you are saying that the Swatow did have skinhead radar?

General WHEELER. They do have them, and, as I say, there is one message in the events leading up to the attack. The commander reported that he thought he had been contacted by a skinhead-type radar.

The CHAIRMAN. What was that message from? Who was it from?

General WHEELER. I will have to locate it, Mr. Chairman.

The CHAIRMAN. Do we have that message?

Mr. BADER. Senator, that is the summary of the attack from the ship itself.

The CHAIRMAN. This is from the *Maddox*.

Mr. BADER. It is from the *Turner Joy*. But this is a summation.

General WHEELER. (reading):

"The commander of Task Force 72.1 reported at (deleted) hours position of vicinity of Point Delta, suspect Red Shadow 15 miles to west. Skinhead radar detected on same bearing."

The CHAIRMAN. What is the time of that message?

General WHEELER. It would be roughly, 2:30 in the morning, eastern daylight time.

Captain SWEITZER. The daytime group is (deleted) Zulu.

The CHAIRMAN. The time, the local time?

General WHEELER. The local time would have been around 1430.

The CHAIRMAN. Is that 2:30?

General WHEELER. Around 2:30 in the afternoon.

The CHAIRMAN. A.m.

General WHEELER. No, p.m. I gave it to you first in eastern daylight time.

The CHAIRMAN. You mean long before the attack?

General WHEELER. Yes.

The CHAIRMAN. This was very early in the game, before——

Captain SWEITZER. It is the afternoon. The attack took place that evening.

The CHAIRMAN. This was about 6 hours before the attack took place?

General WHEELER. Roughly.

The CHAIRMAN. Is that correct?

General WHEELER. That is correct.

The CHAIRMAN. It was the afternoon of the 4th at approximately 2:30. I thought it was afterward. Read that again. I am getting the picture now.

General WHEELER. It said:

The commander of the task force reporting his position as being in the vicinity of Point Delta. Suspect shadow 15 miles to west, skinhead radar detected on same bearing.

The CHAIRMAN. Is that the only evidence of a radar being used?

General WHEELER. I cannot answer the question.

LOCATION OF TORPEDO BOAT

Senator GORE. Mr. Chairman, Point Delta is close to the Vietnamese coast, and I do not know what would be unusual about a torpedo boat or some other Vietnamese craft being at that point.

The CHAIRMAN. How close is it to the island?

Senator GORE. It is not—if you look on your map, it is not near the island. It is up here.

The CHAIRMAN. At the top.

Senator GORE. Just judging from this distance, I would say it is maybe 12 miles or 15 miles, something like that, from the coast.

The CHAIRMAN. I see. What I was trying to understand in my question here and I will ask if the North Vietnamese used shipboard radar during the attack. Yours is long before the attack, 6 hours before the attack.

General WHEELER. Then I responded incorrectly, Mr. Chairman. I do not recall any message reporting anything during the attack. I wanted to make the point here. Since you asked about radar, I was making the point that shipboard radar associated with Swatow type vessels were in the vicinity——

The CHAIRMAN. I see.

General WHEELER. Of the task group.

Senator GORE. Mr. Chairman, would there be anything particularly significant about a Vietnamese Swatow boat being within the coastal——

General WHEELER. The only point I am trying to make, Senator, is this: He reported he suspected a shadow 15 miles to his west, a vessel that was shadowing him and using radar to keep him under detection.

Senator GORE. If he was near the Point Delta which I am advised here was 11 miles east of the Vietnam east coast, and if he observed a Swatow some miles west of them, that would mean that he observed maybe, if that is what it was, a Vietnamese Swatow somewhere along the Vietnamese coastline.

General WHEELER. This would be possible, yes, sir.

Senator GORE. What would that indicate?

General WHEELER. The point I am trying to make, Senator, is that he felt he was being shadowed by this vessel. The vessel was following him and tracking him, keeping him under observation.

Senator GORE. Would that be unusual if a U.S. vessel were 11 miles off the Vietnamese coast, would it be unusual for a Vietnamese Swatow or gunboat to be watching somewhere between him and the coast?

General WHEELER. Well, I would say that in the past De Soto patrols there had been intermittent contacts but not the steady contact that the task force commander was reporting.

Senator GORE. I do not wish to be niggling about it, but it just does not seem to me it shows anything.

The CHAIRMAN. Let me see if we can get to this. If during the attack the *Maddox* and *Turner Joy* detected this radar, they would report that, would they not, during the attack?

General WHEELER. I am not sure, Mr. Chairman. I cannot answer the question.

MEANS OF LOCATING AMERICAN VESSELS

The CHAIRMAN. Let me ask you, if there was no radar, how would these patrol craft manage on a dark night, which the Secretary has already described, to find the *Maddox* and *Turner Joy* 65 miles at sea, how would they possibly locate them without radar?

General WHEELER. They could be using some variety of radar, which is one way of doing it. I have some naval officers here. Maybe they could advise me better as to other ways they might do it.

The CHAIRMAN. Would radar be the normal way for this kind of a boat to locate another?

General WHEELER. I have been given three answers. They could track on the wakes of the destroyers, they could have been vectored by radars on the shore, or they could have been vectored from Swatows over the horizon.

The CHAIRMAN. Well, in the *Turner Joy's* communication of the 5th, it is hard to identify this, the date time is [deleted] says this: "Estimate the PT's attack originally. However must admit two factors defer. No ECM"—which I take it is electronic activity—activity from PT boats. However, tactics seem to be to bore-sight on wake thus accounting for lack of radar signals. No sonar indications of torpedo noises even that which passed down side. Self noise was very high."

In other words, he is saying there was no radar signal during the attack. He says no sonar indication or torpedo noises, even that which passed downside. Self-noise was very high. We gather from other messages that when these destroyers rev up to 30 knots or more, that it interferes with the operation of the sonar; is that correct?

General WHEELER. That is my understanding.

The CHAIRMAN. That is my understanding from this. So it would indicate there was no radar during the attack.

Mr. Secretary, I will try to get on with this. Are you satisfied that the command and control techniques then used were adequate and that the President had such reliable information available to him that he could reasonably have ordered the air strikes against a nation with which we were not at war?

Secretary MCNAMARA. Yes, sir, I am.

SCOPE AND RETALIATION

The CHAIRMAN. Why did the United States consider it necessary to retaliate against

North Vietnam in a manner so completely disproportionate to the nature of the offense?

Secretary McNAMARA. Mr. Chairman, I do not believe it was disproportionate to the offense. We had had two attacks on U.S. naval vessels operating on the high seas in an entirely legal fashion. One of the attacks occurred after a warning from the President that we would continue to operate in those waters in a legal fashion and that a further attack would have grave consequences. The attack itself was very limited in character; it was directed against the bases of the attacking boats and their petroleum support facility. It was not followed by any further actions.

The CHAIRMAN. How many missions were flown against the installations on the shore?

Secretary McNAMARA. I cannot give you the answer from memory, but I will be happy to insert it here.

(The following information was supplied:)

"64 attack sorties were flown against the installations."

The CHAIRMAN. Well, there were 64, were there not?

Secretary McNAMARA. I do not recall the number.

The CHAIRMAN. Why do you call 64 missions such a limited attack occurring within hours after that? I think that is a very vigorous attack.

Secretary McNAMARA. It is a limited response because we attacked such low-value targets as the bases of the PT boats instead of the much more important military targets that lay within the range of those 64 flight paths.

The CHAIRMAN. Why did we not take the issue to the United Nations before retaliation?

Secretary McNAMARA. We had no reason to believe the United Nations could have acted in any effective manner.

The CHAIRMAN. Why did we not protest to the International Control Commission as the North Vietnamese did on July 31, 2 days before the first incident, when Hanoi formally protested the attacks on its islands?

Secretary McNAMARA. Because the International Control Commission has a record of failure in investigating incidents of this kind and has consistently refused to extend its operation to the point where it can investigate them effectively.

Senator LAUSCHE. May I ask a question?

The CHAIRMAN. Yes.

Senator LAUSCHE. Do you know of any incident in which the International Control Commission, I think made up of Canada, Poland, and India, has taken action when requested so as to bring about a settlement of disputes.

Secretary McNAMARA. I know of none. I know of some cases, some of them quite recent, where it has even refused to accept outside help offered to it when the ruler of the nation in which it is located has asked that it increase the effectiveness of its investigation.

ROLE OF THE UNITED NATIONS

Senator LAUSCHE. Have we gone to the United Nations asking it to intervene in South Vietnam and has the United Nations in any event intervened?

Secretary McNAMARA. The United Nations has not taken effective action with respect to South Vietnam although we have on many occasions indicated our willingness to have it act in the situation.

Senator LAUSCHE. Why has it not taken action?

Secretary McNAMARA. Senator Lausche, I can only conclude——

Senator LAUSCHE. Well, Russia will not permit it to do it.

Secretary McNAMARA. Yes.

Senator LAUSCHE. So the questions why we did not go to the International Control Commission and why we did not go to the United Nations are answered by the fact that neither of those agencies have ever exercised the authority assigned to them.

The CHAIRMAN. I do not wish to argue about it.

Senator LAUSCHE. But your questioning implies——

The CHAIRMAN. I do not think it is correct. I think your statement is quite in error.

Senator MORSE. We never submitted a resolution to the United Nations that meets the law—never.

The CHAIRMAN. It is not the issue in this case about Vietnam. The North Vietnamese did protest after the attack on the 31st, which was just a few days before, to the ICC.

Mr. Secretary, when was the decision made to bomb North Vietnam?

Secretary McNAMARA. The execute order was released at 1806, I believe, 1807.

The CHAIRMAN. That is the issue.

Secretary McNAMARA. On the 4th of August.

The CHAIRMAN. When was—was there no consideration of this prior to that time?

Secretary McNAMARA. No decision was made prior to that time, Mr. Chairman. The consideration of it, the discussion of it, had proceeded all day long starting at the Department of Defense level at about 10 o'clock that morning.

The CHAIRMAN. And the decision to execute it was deferred until after the attack, but the orders were already made, is that right?

Secretary McNAMARA. No, sir; consideration of it was not even undertaken until we received a message indicating that the North Vietnamese had issued orders to initiate the attack. The discussion of it took place during the attack and after the attack, and the execute order was issued after we were certain in our own mind that the attack had taken place and that it was intentional.

The CHAIRMAN. So that you are certain that no decision was made to attack North Vietnam prior to the issuance of the execute order.

Secretary McNAMARA. I am positive of that.

The CHAIRMAN. General Wheeler told us during the August 6 hearings that the North Vietnamese patrol boats were found dead in the water at their base as the U.S. aircraft attacked. If the North Vietnamese had actually attacked the *Maddox* and *Turner Joy*, why would they leave offensive patrol craft tied up at the dock without any alert?

General WHEELER. I suppose they presumed since we had not retaliated against them after the first attack on *Maddox* that we would not retaliate when they had a second attack, Mr. Chairman.

Senator LAUSCHE. May I on that item comment, Why did we leave the *Pueblo* unprotected and unguarded when we were in there?

The CHAIRMAN. Well, I remember from your testimony it strikes me that they are extraordinarily stupid. If after having attacked at approximately 9, 10 o'clock in the evening, that all those boats are in their berths only a few miles, 60 miles away without any alert at all, sitting there quite vulnerable to destruction from attack—I would not do that.

General WHEELER. I would say there were two factors, Mr. Chairman. The one I mentioned a moment ago and the other would be the speed with which we retaliated. In other words, had they anticipated retaliation, they probably did not anticipate that we would be quite as prompt.

Furthermore, vessels which had taken part in the attack would undoubtedly have had to replenish after having gotten back to port.

BRIEFINGS ON NORTH VIETNAMESE TARGETS

The CHAIRMAN. Were the patrols and crews that participated in the attack against the North Vietnamese oil depots and patrol bases briefed on their targets prior to the incidents of August 4?

General WHEELER. No, sir; I do not see how they could have been.

The CHAIRMAN. Do you know anything, Mr. Secretary?

Secretary McNAMARA. No, I would say exactly the same thing, Mr. Chairman.

The CHAIRMAN. You say they were not.

Secretary McNAMARA. I do not know how they could have been. There was no plan to attack those targets, no decision to attack them. I do not know any reason why the crews would have been briefed on those targets.

General WHEELER. I was not present for a portion of the day because I had been absent in New York, and I did not get back to Washington until 4:30 of the afternoon——

The CHAIRMAN. What day is this?

General WHEELER. This was the day of the 4th, Mr. Chairman. In my absence the Secretary had met with the JC's on a couple of occasions, and when I returned I found that my colleagues were engaged in discussing the types of targets that might be struck and so on. As I recall, they had recommended a series of targets which in turn were recommended to the Secretary, and the targets, after having been modified, were the ones that were finally approved for strike. So I do not see how the pilots could possibly have been briefed prior to the time.

Secretary McNAMARA. Refresh my memory on this. Am I not correct in saying that the time of the strike was influenced in part by Admiral Sharp's statement that he would need time to brief the pilots and load the aircraft?

General WHEELER. That is correct—and load the aircraft.

Secretary McNAMARA. I think we can find that in some message. I believe I remember reading it or hearing it at the time.

General WHEELER. In fact, he said it would be tight, if I recall correctly.

The CHAIRMAN. How long does it normally take to brief—strike that.

How many planes were engaged in making the 64 strikes? There were 64 missions according to the information we have.

General WHEELER. There were about 59 aircraft, all told, Mr. Chairman, that engaged in the operation, and there was a total of 59 in the first wave, and 21 in the second wave on a recycle.

The CHAIRMAN. How many targets were there?

General WHEELER. There was a total of six all told, I believe.

Senator LAUSCHE. Mr. Chairman, many I ask a question?

The CHAIRMAN. Just as soon as he finishes.

General WHEELER. Six.

The CHAIRMAN. Six targets.

General WHEELER. Yes.

The CHAIRMAN. How long does it normally take to brief a crew of 59 on a mission?

General WHEELER. I would say that in a case like this you have to get out target materials and so on, and that you would want at least an hour in order to do it, Mr. Chairman.

The CHAIRMAN. Well, how would you account, Mr. Secretary—well, pardon me—yes, Senator?

PRESIDENTIAL APPROVAL FOR ATTACKS

Senator LAUSCHE. Did the President approve these attacks upon the Vietnamese patrol bases?

Secretary McNAMARA. Oh, yes, Senator Lausche. The President was kept informed fully during the day. I was just checking my diary last night as to the number of calls and meetings I had with him and it exceeded 11 during the day and it was late in the afternoon that he approved the attacks.

The CHAIRMAN. Did the President also order a series of additional measures such as sending aircraft into South Vietnam and fighter-bomber aircraft into Thailand?

Secretary McNAMARA. Yes.

The CHAIRMAN. And following that the President came to the Congress, the Senate

of the United States, Congress of the United States, asking for the passage of the resolution.

Secretary McNAMARA. Yes; that is correct.

The CHAIRMAN. When does your diary show that the President authorized the attack, what time?

Secretary McNAMARA. I think it was about 6 o'clock in the afternoon that his final authorization was made. It had been tentatively authorized subject to the final information on the details of the incident earlier in the afternoon. We met some time shortly after 3, and then I talked to him five times after that and it was in the last conversation that it was authorized at about 6 o'clock.

The CHAIRMAN. Six o'clock on the evening of the——

Secretary McNAMARA. August 4.

The CHAIRMAN. Of the 4th, which would be 6 o'clock on the morning of the 5th in Vietnam.

Secretary McNAMARA. That is correct.

The CHAIRMAN. Yes.

Mr. Secretary, how do you account for the fact that the North Vietnamese boasted of their attack on the *Maddox* on August 2 and yet vehemently denied that there had been an incident on August 4?

Secretary McNAMARA. I cannot answer the question, Mr. Chairman. Their damage may have been greater on the 4th than it was on the 2d, I just do not know.

The CHAIRMAN. Do you have any idea, General Wheeler?

General WHEELER. I have no idea, Mr. Chairman.

EVIDENCE FROM CAPTURED NORTH VIETNAMESE OFFICER

The CHAIRMAN. A North Vietnamese commander who was a squadron commander of the North Vietnamese patrol craft told U.S. investigators after his capture that the North Vietnamese had attacked the *Maddox* on August 2 but that there had been no attack on August 4.[1] This denial was consistent with interrogation reports of several other members of a North Vietnamese naval vessel who were captured by the United States in 1966.

How can we account for this denial when this particular officer gave the United States valuable information that led to the destruction of a number of North Vietnamese installations? In other words, the report we have shows that he did give you quite a lot of information which was very useful in your attacks but he denied there was any attack at all on the 4th?

Secretary McNAMARA. First, Mr. Chairman, I believe I am correct in saying he was not a squadron commander. This is of some importance because the name of the squadron commander was given to us a year after the interrogation you speak of by another North Vietnamese naval officer whom we captured. We had evidence at the time of the attack that a man by that name participated in the attack and we have the boat number that he was operating from, and it was stated that that boat participated in the attack, so I think that the statement you made is erroneous.

Second, I do not believe he stated there was no attack on the 4th. I think he said he had no knowledge of such an attack.

Third, I do not believe that it is correct to say that his statement was consistent with information of others from other captives whom we interrogated. I am not aware that that is true. It is possible it is true, but I would have thought it would have come to my attention if it was. I am not aware of it.

And finally, most importantly, as I mentioned to you earlier today, in July of 1967 we captured an individual of some rank in the North Vietnamese Navy who gave us the name of the squadron commander in charge of the PT boats participating in the August 2 attack, and it is that name that we had reported to us as having participated in the August 4 attack at the time of the attack, and it is his boat by number that we had reported to us as having participated in the August 4 attack at the time of the attack.

The CHAIRMAN. Will you give us the second report——

Secretary McNAMARA. Yes.

The CHAIRMAN (continuing). That you got in 1967?

Secretary McNAMARA. I would be very happy to.

The CHAIRMAN. For the record, I want to complete it, and read what the Navy's own report has to say with regard to this interrogation.

"Extensive interrogation of all potentially—"

this is from the report of the Navy—

"Extensive interrogation of all potentially knowledgeable sources reveals they have no info concerning an NVN attack on U.S. ships on 4 August 1964. They state definitely and emphatically that no PT's could have been involved. They do have knowledge of a U.S. air attack on 5 August in which at least one and possibly three* Swatow PGM's were sunk by ACFT in vicinity of the Gianh River (17–43N/106–30E). Slight damage was also inflicted by ACFT on 2 PT's this date as stated Ref. Alfa.

2. The possibility that Swatows could have committed the 4 Aug attack has also been carefully explored. Here again, however, all sources disclaim any knowledge of such an attack. Based on the experience of interrogations thus far it is very possible that PT boat crews in general might not have heard of this attack since they apparently have little contact with other ship types. On the other hand, source [deleted] obviously has traveled in higher circles and has proved himself exceptionally knowledgeable on almost every naval subject and event of interest. Yet he specifically and strongly denies that any attack took place. When pressed further on this issue he states that if such an attack did take place, it could have been committed by Swatows.

Senator LAUSCHE. Will you comment on that?

Secretary McNAMARA. Yes. I think, Mr. Chairman, we should stop here and get into this communications intelligence because it bears on this issue and I am afraid that the record will be distorted unless we introduce it at this point.

The CHAIRMAN. All right.

Secretary McNAMARA. With your permission I would like to do so and I would like to ask those who have not received clearance for special intelligence other than the Members of Congress to leave the room if they would.

The CHAIRMAN. All right.

(Discussion off the record.)

The CHAIRMAN. Mr. Secretary, I would like to ask, I know that your time is very limited—do I understand that you do not wish to come back again at any time before the committee before you leave?

Secretary McNAMARA. Mr. Chairman, if the committee feels that it is essential that I return, I will in some way or other try to return, but I look at the 10 or 11 days that lie ahead of me. I don't see how it is possible.

The CHAIRMAN. We may not.

I would like to ask a few questions.

POSSIBLE APPEARANCE OF OTHER WITNESS

Is there any objection on the part of the Department to our having Commander Herrick who was commander of the task force appear before the committee?

Secretary McNAMARA. None, no objection.

The CHAIRMAN. Mr. Ponturo, is that his name?

Secretary McNAMARA. In this case——

The CHAIRMAN. Ponturo. Is he still in the Department?

Secretary McNAMARA. He is not an employee of the Department so far as I know. He is an employee of an outside agency, the Institute for Defense Analysis. I don't know whether it would be appropriate Mr. Chairman, for him to appear.

The CHAIRMAN. Then you have nothing to do about it.

Secretary McNAMARA. We have something to do about it because the Institute for Defense Analysis is under contract to the Defense Department; but I just can't answer your question.

The CHAIRMAN. Put it this way: the Defense Department will not raise any objection to his appearing; is that correct?

Secretary McNAMARA. I don't know his qualifications, I don't know just how much he knows about this. I am very reluctant to see witnesses appear for the Defense Department who are not qualified to testify fully and completely on the questions raised to them. I am quite happy to have Commander Herrick appear and testify on anything that relates to his activities there because I know he was present and is a qualified witness.

I don't know Ponturo, I never heard of him. I haven't the faintest idea what his qualifications are. I know nothing about the man and, hence, I am reluctant to say we concur in his appearance.

The CHAIRMAN. It is strange he would be given access to all these papers and be given the duty to prepare a report without having him cleared.

Secretary McNAMARA. I can only tell you I lack knowledge.

The CHAIRMAN. General Wheeler, you know nothing about it?

General WHEELER. I know nothing of him, sir. At one time in the operations of the J–3, this is the operation division of the Joint Staff, certain employees of IDA were in there assisting and looking at the Joint Staff operations with an idea of helping us to improve them, and this gentleman was one of several at some time or another who assisted.

The CHAIRMAN. They would be of the highest clearance. They wouldn't allow him to assist without being cleared.

General WHEELER. It would depend on what type of operation they are working on, Mr. Chairman. If he were operating in the communications intelligence field he would have to have the necessary clearances. I mean we grade them according to whatever they have to do.

STATUS OF COMMAND AND CONTROL REPORT

The CHAIRMAN. I understand the grading. You have seen this report, Mr. Stempler wrote the committee, with regard to this document, "It is an internal paper of the Joint Chiefs of Staff, is currently under review by the Chairman," that was January 23. I just want to try to get where we stand with regard to this matter. You have had all the time—or do you want more time or will you make it available? I want to know what to instruct the staff.

Secretary McNAMARA. I think I covered that this morning.

The CHAIRMAN. You will make it available?

Secretary McNAMARA. I simply stand on what I said.

The CHAIRMAN. I have forgotten what you said. Will you refresh my memory?

Secretary McNAMARA. What I said was that I was not familiar with the report, I am not familiar with the man, and I don't know the degree to which he had access to all of the information that is required to obtain a proper understanding of the incident. I know he didn't have access to some of it; he didn't talk to General Wheeler about his participa-

[1] Identified in a Navy publication as a "division commander" of a "torpedo boat division."

*Note: From earlier interrogation source stated that Swatows are neither designed nor intended for missions against large ships.

tion, and he didn't talk to me about my participation. There is information that he could not have obtained regarding the incident unless he talked to General Wheeler or me, or to the President or one or two others who had been in on the discussions, and under these circumstances I am not willing to release a report until I know more about it.

General WHEELER. Furthermore, I don't know, but I am informed that Mr. Ponturo's report has no communications intelligence in it. I don't know whether he is cleared or not, and that is one of the weaknesses of the report.

Secretary MCNAMARA. At least it doesn't have a communications——

The CHAIRMAN. Could you clear this up for us? Could you inform the committee, give us a memorandum on what the situation is? Could that be done?

Secretary MCNAMARA. We will be happy to.

The CHAIRMAN. In the near future?

Secretary MCNAMARA. Yes.

Senator GORE. And the location now of the 40 reports, the 40 copies?

Secretary MCNAMARA. Surely; I don't know where they are.

The CHAIRMAN. I don't care where they all are, but I would just like to get one of them.

Senator GORE. Let's know where they are. You will find some in the Rand Corp.

The CHAIRMAN. I have been told there was a very responsible scientist who was well informed about and working in Defense Intelligence by the name of Fubini. Do you know such a man?

Secretary MCNAMARA. I do indeed, although I don't think he was working in Defense Intelligence.

The CHAIRMAN. Well, do you trust him? Is he a trustworthy man?

Secretary MCNAMARA. He is a very able individual in his field, which is electrical engineering and associated subjects.

The CHAIRMAN. Assuming he did have knowledge of this matter, do you have any objection to our calling him?

Secretary MCNAMARA. No, I have no objection to his being called. He is a private individual now not working for the Defense Department.

Let me simply say this, I am certain he didn't have full and complete knowledge of this incident.

The CHAIRMAN. Well, he may have had some knowledge.

Secretary MCNAMARA. He was at that time, he would have been Deputy Director of Research and Engineering. He was not a part of the intelligence organization.

The CHAIRMAN. Yes, but as a man, you regard him as a trustworthy American?

Secretary MCNAMARA. I do indeed, but I don't regard all trustworthy Americans as competent witnesses on the Gulf of Tonkin incident.

COMMITTEE CONTACT WITH OTHER INTERESTED PERSONS

The CHAIRMAN. As a result of the committee's review and the general interest in this subject, there have been certain individuals, civilian and military, who have sought out the committee or the staff. There also have been newspaper reports based on press interviews based on officers and men on the *Turner Joy*. I refer to an AP report in July 1967, for example, which was well before this committee had any idea of review. Have any military or civilian employees been disciplined in any way for talking to the press communicating with this committee or otherwise breaching security?

Secretary MCNAMARA. None to my knowledge. As a matter of fact, we have leaned over backwards to avoid talking to certain of the individuals to whom the committee has talked, to avoid any indication that we might in any way have disciplined them or pressured them in relation to what they would say to us or to the committee.

The CHAIRMAN. Are you aware of a commander who voluntarily called up and came to a member of the staff of this committee, talked, at his request, with the chairman and a member of the staff, and the next day was picked up and sent to a psychiatric ward?

Secretary MCNAMARA. No, sir; I am not aware of that incident.

The CHAIRMAN. Would you believe it if I told you it is a truth?

Secretary MCNAMARA. Well, I would not believe that we would penalize a man in any way for talking to this committee, assuming he told the truth. I think it would be a monstrous act if we sent a man to a psychiatric ward even if he told a falsehood to the committee, and I can't believe it was done. I will be very happy to investigate it.

Senator MORSE. How do you mean, Mr. Chairman, that he was requested to take a psychological examination?

The CHAIRMAN. That is right. And he was examined by this place, I can't—it slips my mind at the moment—but this was all initiated by him, we had nothing to do with it. I mean we didn't initiate it. I never heard of him. He called a member of the staff and requested to relieve, as he said, himself of a burden. He was, the next day, taken for a psychiatric examination but after the examination he was found to be fit, and returned to duty. It seemed to me to be a very ominous thing if a man like this would be picked up like he was.

Lastly——

Secretary MCNAMARA. Mr. Chairman, may I simply say on that if there is any feeling on the part of the committee that the examination of this man by psychiatric personnel was in retaliation for his report to the staff, I will personally have the Inspector General analyze the case and I will promise to discipline anyone who took action of that kind.

The CHAIRMAN. I am not really seeking to discipline anyone, but it seemed to me it was an unusual circumstance that the next day after he came over, and this man had been in the so-called flag plot of the Pentagon during the incidents referred to here, and he felt it was on his conscience, and he had been in the Navy a long time, and I am sure your people, some of them know about it, and I would interpret it since he was picked up the next day, as being a gesture intended to intimidate him or anybody else who did such a thing.

Secretary MCNAMARA. Mr. Chairman, I will have the Inspector General investigate it and send a report to the committee. I can't believe that any individual, civilian or military in the Defense Department would behave that way with respect to any man whether he gave true or false testimony to the committee.

Furthermore, if the man you are speaking of is the man I am thinking about he was not assigned to flag plot at the time of the August 2 and August 4 incidents.

The CHAIRMAN. Well, he said he was. That is subject to proof, I guess.

JUSTIFICATION OF COMMITTEE INQUIRY

Lastly, it was, I think you said this morning—I don't have the quotation—that anyone who entertained a doubt about these events was engaged in a monstrous affair. Don't you agree that in view of the conflicting nature of the testimony, especially from the commander of the task force, that there was a reasonable justification for at least this committee inquiring into these incidents?

Secretary MCNAMARA. First, Mr. Chairman, I don't think I said this morning that it was monstrous for anyone to retain a doubt about this. I think I said there is no doubt about the attack of August 2. That was one statement I made.

The CHAIRMAN. We don't allege that at all.

Secretary MCNAMARA. I understand. I am saying what I said, and, secondly, I stated in the latter part of my statement that the insinuation or the suggestion that the Government of the United States induced the incident on August 4 with the intent of providing an excuse to take retaliatory action, I could only characterize as monstrous. That is quite a different thing from saying it is monstrous that anybody should doubt what happened.

The CHAIRMAN. Well, I don't think anyone, I don't believe anyone, certainly myself, entertained the idea this was a plot or a conspiracy.

The point really is, and I think there is evidence sufficiently to justify an inquiry as to whether or not the decisionmaking process, with all these conflicting reports coming in, is sufficiently accurate and reliable to justify taking such a decision to declare war on another country, which was the immediate outgrowth of this particular series of events.

Secretary MCNAMARA. I didn't comment on that.

COMMITTEE ACTED WITH INCOMPLETE EVIDENCE

The CHAIRMAN. I think this committee, and certainly as chairman of the committee I think it was very unfair to ask us to vote upon a resolution when the state of the evidence was as uncertain as I think it now is, even if your intercepts are correct. Of course, none of those intercepts were mentioned to us, I don't believe, in the testimony on August 6. Your statement and General Wheeler's was without any doubt, any equivocation that there was an all-out attack.

I submit that even if you give the most favorable interpretations to these reports that it was far less than positive and unequivocal as your statement before the committee indicates.

This has been very serious to me and all members of this committee and the Senate.

We have taken what is called the functional equivalent of a declaration of war upon evidence of this kind, and action as precipitate as this was. Even the commander, that is one of the crucial cablegrams from the commander of the task force, recommended that nothing be done until the evidence was further evaluated. I read it this morning, I won't read it again.

But that alone almost, if I had known of that one telegram, if that had been put before me on the 6th of August, I certainly don't believe I would have rushed into action.

We met, if you will recall for 1 hour and 40 minutes, in a joint meeting of the Armed Services and this committee and we accepted your statement completely without doubt. I went on the floor to urge passage of the resolution. You quoted me, as saying these things on the floor. Of course all my statements were based upon your testimony. I had no independent evidence, and now I think I did a great disservice to the Senate. I feel very guilty for not having enough sense at that time to have raised these questions and asked for evidence. I regret it.

I have publicly apologized to my constituents and the country for the unwise action I took, without at least inquiring into the basis. It never occurred to me that there was the slightest doubt, certainly on the part of Commander Herrick who was in charge of the task force that this attack took place. He obviously had doubts, his own cablegram so states. That is the reason for it. I feel a very deep responsibility, and I regret it more than anything I have ever done in my life, that I was the vehicle which took that resolution to the floor and defended it in complete reliance upon information which, to say the very least, is somewhat dubious at this time.

Well, I just wanted to make that for the record.

Now, I think other members should have an opportunity.

Secretary McNAMARA. May I simply at this point make one very brief comment?

I don't believe Commander Herrick in his cable stated he had doubt the attack took place. He questioned certain of the details of the attack and, secondly, his questions——

The CHAIRMAN. Mr. Secretary——

Secretary McNAMARA. Pardon me, Mr. Chairman, secondly, his doubts was resolved that afternoon before the retaliatory action was taken.

The CHAIRMAN. I think he went much further than that. He advised you not to do anything until it had been reevaluated. I don't want to burden the record but it is a very strong statement.

Secretary McNAMARA. Nothing was done until it was reevaluated.

The CHAIRMAN. He says "Suggest complete evaluation before any further action."

Now, that is a very strong recommendation from a man on the scene in charge of the operation.

Senator GORE. Read it.

CHAIRMAN WOULD HAVE ACTED DIFFERENTLY IN 1964 WITH MORE EVIDENCE

The CHAIRMAN. If I had had enough sense to require complete evaluation I never would have made the mistake I did. If I had had notice of that particular cable in 1964 I think I would have had enough sense at least to raise a warning sign, and normally this committee does have hearings and questions. I don't know why, what possessed me, the background was such that I went along, of course I wasn't the only one. Both committees, except for the Senator from Oregon, unanimously accepted your testimony then as the whole story, and I must say this raises very serious questions about how you make decisions to go to war.

I mean, this is not a small matter that we are in, in Vietnam, and I think for the future, the least I can do and the committee can do, is to alert future committees and future Senates that these matters are not to be dealt with in this casual manner.

I felt very badly about it, about the matter. I must say that I don't blame you personally for this. These communications were very conflicting, and I don't think—I never meant to leave the impression that I thought you were deliberately trying to deceive us, but I must confess I think the evidence is very conflicting and warrants what Mr. Herrick suggested—time to evaluate what the evidence was—which we didn't do.

Well, I delivered myself.

Senator Mansfield, do you have a question?

Secretary McNAMARA. Two points, Mr. Chairman, if I may, only 10 seconds.

One, the commander evaluated it that afternoon, concluded an attack took place and came to a conclusion before the retaliatory action was executed.

Two, I know of no evidence since that time that would support the conclusion this attack did not take place. That is all I have to say.

The CHAIRMAN. Well, there is evidence, you, yourself, I mean, the evidence of one captured man, there are a number of things depending upon credibility of the people.

It isn't all that clear cut.

Senator GORE. Mr. Chairman, there is at least evidence that a doubt existed even after the order went out, because the order to loose the retaliation we are informed went on at 6:30 and at 7:06 Admiral Moorer of CincPac cabled the *Maddox* and *Turner Joy* to report immediate confirmation of the earlier attack on them.

The CHAIRMAN. He still had evident doubt after the order had been given there or he wouldn't make the inquiry.

Secretary McNAMARA. This was simply a response to the earlier inquiry of Sharp who got the information by other channels before that time.

Senator MANSFIELD. Mr. Chairman, my remarks will be brief.

SECRETARY M'NAMARA TESTIFIED IN GOOD FAITH

I felt at the time that Secretary McNamara when he was before us that he was being as candid and as honest as he could be in the light of all the facts which were at his disposal.

I still feel the same way, and I am happy that this additional highly confidential information was made available, and because to me it seems to establish a fairly close correlation between the intelligence and the reports sent back from this particular task force at that time.

Of course there are questions in all of our minds, I am sure there are still questions in the Secretary's mind.

But three and a half years ago is a long time, and you were under pressure, we were under pressure. Maybe we did some things that we wouldn't do if we would be more careful and that is the reason for that resolution of yours.

The CHAIRMAN. Don't call it mine. I didn't originate it. It was the administration's resolution.

Senator MANSFIELD. No, no, I am speaking of the resolution which is pending on the calendar as to which we will take up later this year.

The CHAIRMAN. I see. I thought you were talking about this commitment resolution. I apologize. [Laughter.]

Senator MANSFIELD. I wonder myself what I would say if 3½ years later I was called upon to testify. I am quite sure that I wouldn't do a very good job because I have a hard job remembering what goes on the week before, let alone what happened so long ago.

That is all I have got to say.

The CHAIRMAN. Senator Aiken, do you have any questions?

Senator AIKEN. I hate to see Russia reaping so many benefits, that is all. We ought to do something about that.

The CHAIRMAN. That is, from the war you mean?

Senator AIKEN. Yes.

The CHAIRMAN. Well, I do, too.

Senator AIKEN. That is the only thing that came to mind. I have nothing to say. But, as I have said frequently, the last 3 years have gone by. The next 3 years, the next 3 months should be very interesting.

The CHAIRMAN. Is that all?

Senator AIKEN. That is all.

The CHAIRMAN. Senator Morse?

Senator MORSE. Mr. Chairman, I would have very, very many questions, if we were going to trial. We are not on trial. Time would not permit the asking of the questions if we were in trial, and I only want to say to the Secretary that I think he knows no matter how much I disagree I have an exceedingly high regard and respect for him.

I am sorry I shall so completely disagree.

NEW EVIDENCE DOES NOT ALTER SKEPTICISM

He has not said anything here today, a single thing today, that changes anything I said on the floor of the Senate in August 1964 and what I said in committee at the time in our very short hearing. I don't think we have been talking all day about what we ought to be talking about, the Tonkin Bay Resolution.

I think we ought to be talking about what preceded the incidents and what brought about the incident and our involvement in Tonkin Bay at the time. We have a right to have freedom of the sea. But a right with regard to it doesn't justify following the course of action or give the right to create it. As to comments that I made in August 1964, I didn't make them in a vacuum.

I was communicated with by sources at the Pentagon Building in whom I have high confidence, that raised a lot of doubts in my mind. I remember, I said, I don't have to have it in front of me but I paraphrase it, "You ought to get the logs because this Senator suggests you had better ask for the logs. You had better ask for some facts as to where those ships were and how they got there and what the knowedge of the Navy was in advance of the incident."

What I have heard here today verifies all the information I received before I ever said anything in August 1964.

You see, what I think we never come to grips with is what we were doing long before the 2d and the 4th, long before the incidents of Tonkin Bay. The fact we had this kind of a presence there, that we were stimulating the electronic devices of the North Vietnamese, that we were carrying on intelligence operations was wrong. The *Maddox* was, on this occasion, a spyship and quite a different body of international law applies to spy activities than applies to other activities. So I only want to say for the record that I don't think we should have been there and especially under those circumstances when the Navy and the administration knew that South Vietnamese naval vessels that we had furnished and the personnel whom we had trained were on their way in that period of time to bombard North Vietnam and its two islands. The *Maddox* and the *Turner Joy* were in the area, despite all our talk about the distances. The fact is that the North Vietnamese had no reason to believe that we were trying to keep separate the South Vietnamese boat operations and our patrol. They had no reason to know or believe that. We don't know what conclusions they reached. I think it would be a very reasonable conclusion if they thought there was a connection.

CONNECTION BETWEEN AMERICAN AND SOUTH VIETNAMESE OPERATIONS

I happen to think there was a very clear connection.

The very fact that you were electronically invading, so to speak, North Vietnam, while at the same time, in that series of time, the South Vietnamese boats were going to make their attack, put us, I think, in the position where the North Vietnamese and the rest of world, for that matter, would see some interrelation.

But I still go back beyond that.

What worries me is that we were at that time escalating, we were involving ourselves more and more in the difficulty in South Vietnam. We know from the record what the thinking was in the administration, having in their pocket a resolution ready to spring on us.

We have some evidence that the resolution, or a draft of a resolution was prepared before the Tonkin Bay incident ever occurred. It was to give to the President the authority that the Congress gave. I am willing to let history be the judge, eventually it will be recorded that it was a completely unconstitutional move.

You can't possibly give the President that power under the Constitution. That always has been the position that I have taken from the beginning of many aspects of this matter. With this preparation for bombarding North Vietnam. I want to say most respectfully, I think that wisdom dictated that we should have had the *Maddox* and the *Turner Joy* far removed from any area, high seas or not, that would possibly justify anybody making this connection. To be on the high seas and commit an illegal act on the high seas constitutes a form of aggression, constructive or actual, that was really our position, in part, in October 1962 during our conflict with Russia over her clear act of constructive aggression against us vis-a-vis Cuba.

So one of my bones of contention is that I don't think our hands are clear if we fall back on technical defenses of our rights on the high seas and making perfectly clear to North Vietnam we were going to enforce those rights.

The basic question is why were we following this course of action at that time in the Gulf of Tonkin when the South Vietnamese boats were going up there to make an attack? I think all the explanation of the Secretary, all the explanation of the administration just ducks that problem.

One of the reasons why we find ourselves so much isolated is because the world does not like this involvement we got ourselves into on a unilateral basis.

I only want to say we have had this information given to us. I, as a lawyer, don't question for a moment that it is subject to a considerable amount of attack and qualifications, just as I think Secretary McNamara's use of captured North Vietnamese prisoners isn't a very reliable source upon which to form a judgment. In fact, even in domestic law, as a lawyer I never thought too much about the stool pigeon testimony because too frequently it is not worth the lips that emit it.

ALL EVIDENCE SHOULD BE MADE AVAILABLE

But here we do have, and it bears on something you said, Senator Fulbright, we do have a communication. It is anonymous, it is true; but on the other hand, its content gives a pretty good idea of the reliability of the source. Although some of the ideas I don't agree with, I think the Secretary is entitled to hear it. I don't think we are fair with the Secretary if we have this kind of material in our records and don't discuss it with him. Just as I said this morning, as far as I am concerned, I think he should have every memorandum we have. I don't see why we should keep it from him.

As far as I am concerned, I would give him everything we have, and whatever help he can give to us in regard to it, I would welcome.

But we have this communication, received December 26, 1967. The letter is to this committee through its chairman. It reads in part:

"Getting the logs of the *Maddox* and the *Turner Joy* may be of some use to you in trying to get to the bottom of the Tonkin Gulf incident, but it really won't help much.

"What you most need is the record of events of communications passing through the national military command and control center. Most of them have probably now been destroyed.

"Whatever study was made on the basis of most of these records, fresh after the event, by the Weapons System Evaluation Group entitled 'Command and Control of the Tonkin Gulf Incident, 4–5 August 1964,' this document is Top Secret and it is very tightly held because it is based in part on the tape recordings of conversations over the phone of the President, the Secretary of Defense, Admiral Sharp and others during the period when the critical decisions were being made. Very probably an effort will be made to have all copies of the study destroyed when and if there is any intimation that you know of the existence of the study. The study will not disclose that the incident was a put-up job. It will disclose several embarrassing things, however.

"One is that the first attack, that on the *Maddox*, was very probably made because the NVN confused the *Maddox* with [deleted] operations which were covering SVN hit-and-run attacks against NVN coastal areas. This was probably due simply to lack of coordination.

"Another point will be that the attack on the *Turner Joy* the following day was indeed probably imaginary.

"After the first report of the attack there was a report there probably had not been an attack at all. But the President was to go on the air to address the Nation about the retaliatory attacks that had already been planned, and after another flurry of confusion Admiral Sharp said there had been a real attack after all.

"At this point the Secretary of Defense decided to advise the President that the attack on the *Turner Joy* was real and to order the retaliatory attacks and go ahead with the speech because it was getting very late for the address to the Nation and, moreover, the retaliatory attack planes had been kept in a state of take-off readiness for the maximum time.

"It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

"One may wonder how much the Secretary of Defense, who is a man of honor and conscience, has worried about this since. Because later events all indicate that the second attack was at best a trick of false radar images.

"I am sure if I signed this I would lose my job, but if you proceed wisely, you should be able for the good of the country to learn the truth of all I have suggested here and much more.

"The Tonkin Gulf incident, upon the basis of which the resolution was so quickly obtained, was not a put-up job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be, and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He got from them all the critical and decisive information and misinformation and he simply put his trust in the wrong people.

"One of the things your committee should really look into is the constant use of security regulations to conceal the blunders and the connivings in the field of national security.

"But I doubt that all the power of the United States Senate could ever penetrate far enough into the supersecret world to learn much about what goes on. Right now the JCS is refusing materials in their field wanted by people working on Vietnam for the Secretary of Defense, most obviously because they are fearful it would serve the Secretary of Defense's purposes, not theirs."

I want the Secretary to know that one must weigh that with great caution and circumspection and some doubt. It is only one of several memorandums or letters that we have in these files. We have a lot of signed material, but on this committee you have to weigh this and doublecheck it to see if there is any other evidence that bears out any of these contentions. We have plenty that bears out some of his contentions.

But I close, Mr. Chairman, by saying that the thing that is wrong with the whole case we have listened to today is that it doesn't go back far enough, back to 1954 when you have the Gavin report against involvement in Asia, where you have the Ridgeway support of the report.

Other military officers in the next few years will look askance at what we were doing, and yet the administration step by step gets us more and more involved.

NO LEGAL BASIS FOR AMERICAN INVOLVEMENT CLAIMED

So here we are now, involved over there by what the former Attorney General of the United States tries to justify as a kind of a functional declaration of war, which is of course pure nonsense legally.

This is what bothers me. I think we ought to go back to the beginning. We ought to be devoting ourselves to trying to find out how we can honorably get out of the mess that we are in. We need some kind of a multilateral takeover to settle this war.

I wish he were still in the room because I quite agree with what the Senator from Montana himself said to the President, and his top foreign policy advisers in one conference. We have never submitted a resolution to the international bodies that have jurisdiction over this matter, if they would exercise their jurisdiction.

I don't see how we can ever expect them to exercise their jurisdiction unless we are willing to commit ourselves to abide by their jurisdiction provided they, in turn, will carry out their corollary responsibility to enforce the peace.

I am so concerned. I think history has got us recorded as engaging in what I think is the unilateral making of war. That is the great foreign policy mistake.

I am sorry I took as much time as I did, but I thought the record ought to show my respect for the Secretary. He doesn't share any of my views on this or my major premises, I am sure, that is where our great division is.

I am never going to support the kind of a military operation that we are engaged in over there, or the policy of this administration until it gets back to the Constitution and declares war. You know why we don't. You wouldn't have the world with you.

The CHAIRMAN. Senator Case?

Secretary MCNAMARA. Mr. Chairman?

Senator MORSE. I think the Secretary should be allowed to say anything.

DENUNCIATION WITHOUT FOUNDATION

Secretary MCNAMARA. Mr. Chairman, Senator Morse is certainly one of the most able advocates that it has ever been my fortune or misfortune to sit opposite. He has presented a case very powerfully.

I think it is built on an entirely false foundation, and I think the earlier testimony today indicates that.

There are certain legal points he has made which I am not qualified to comment on, but as a layman, I can't believe that there was a constructive act of aggression committed by the *Maddox* or the *Joy* and if there wasn't, they were acting entirely legally. As I understood what he said, he accepted the statement that an attack had taken place on the 2d and he was at least willing to recognize the possibility of an attack on the 4th.

He referred to an anonymous letter which made very grave charges, which I would assume the committee would want to expose.

I can't refute people who are faceless accusers. I know some of the statements in the letter are absolutely false. I don't make tapes of my conversations with the President. I don't know of anybody else in the Department who does.

I can't believe any study made by the Department refers to tapes of conversation with the President.

All of the investigations that I know of that have been made by the commanders involved in the attack of the 4th, after the attack, concluded that the attack did take place. So I think it extremely ill-founded for the anonymous writer to conclude that the attack was imaginary.

There are a number of other charges there that I would be happy to investigate if the committee wishes me to do so.

I think it would be very helpful if the individual could muster up enough courage to make his accusations, state his evidence openly, so we can discuss them and follow them down.

I don't have anything to hide.

DEFENSE DEPARTMENT POLICY RE INFORMATION

For 7 years I have tried not to hide the actions of the Department. We have disclosed more to our Nation and to our enemies, for

that matter, about the national security of this country and the factors that we take account of in protecting it than has ever been disclosed before. I believe in disclosure, and I believe that the truth will support itself, and I am perfectly prepared to have the anonymous accuser or anybody else come in and examine the raw material available in the Department that bears on this.

But I think, as does Senator Morse, that you do yourself a disservice and you do me a disservice by withholding information from me and expecting me to comment on information which has not been available to me.

The CHAIRMAN. This letter, I may say, was in no way included in the report and nothing in the statements based on it. It was in the addendum, as the Senator knows, and was volunteered as an anonymous message.

We had others that were not anonymous, but that is not a part of the report, and we did not question you about that today. That is the reason I didn't refer to it.

Senator MORSE. I thought I made clear in my statement I am not basing my case on this anonymous letter, but only giving you an idea of the kind of information which has been made available to the committee.

My case has nothing to do with what happened on the Tonkin Bay, on the 2d and the 4th.

It is what preceded it.

When I talk about an act of constructive aggression, my case is that I think there was clear knowledge of what the South Vietnamese boats were up to. I think the fact the *Maddox* and the *Joy* were kept in the Tonkin Bay, in close proximity to North Vietnam, justified the enemy in assuming that we were giving aid and abetting.

I think they did aid and abet by their very presence there. I think they created a problem with North Vietnam.

I think while the preparation for that bombardment was going on that the electronic stimulation of North Vietnam at that time couldn't be justified, and would justify North Vietnam striking back, and I think that is why, as I said in my speech in August 1964, we cannot escape the conclusion that we are to a degree a provocateur in this whole matter.

SECRETARY M'NAMARA INFORMED OF SOURCES OF STAFF STUDY

The CHAIRMAN. I want to make it clear, too, that I did give the Secretary a complete list of all the documents which were the basis of the staff study. They are all available to him in the Department.

There is nothing else in the staff report except the staff views about the documents, which is not a matter in issue at all. It is the significance of the documents which we have read to you, and we gave you a complete list of everything we used. You had them available the same as we did. In fact, you have a lot more.

If there is any complaint, I will say that despite my understanding with Mr. Nitze, at least, the Department did not supply the committee by any means with all relevant documents which I had understood they had.

Senator Case.

Senator CASE. Mr. Chairman, thank you. If I may, I would yield to the Senator from Kentucky because I have to go, and if I do not get back here before the Secretary leaves that is all right, too. But I do have to be away for the next few minutes.

I will yield to him and say, so far as the record goes, my concern is not about this incident, but about the use of this resolution subsequently in ways that were never intended by Congress. That is my basic concern.

The CHAIRMAN. Senator Cooper.

Senator COOPER I will be brief.

I would like to say, first, that I appreciate the willingness of the Secretary to give the committee his testimony. His testimony has been helpful and forthright. I would also like to say that I think the Secretary has been a faithful, able, and conscientious servant of our country.

Secretary MCNAMARA. Thank you very much, Senator.

The CHAIRMAN. I will join him in that.

Senator MORSE. If you will permit me, I would say one of the most dedicated public servants I have experienced in my 23 years in the Senate.

Secretary MCNAMARA. Thank you very much, Senator Morse.

Senator COOPER. As the Chairman has stated, his chief purpose and that of the committee in conducting this inquiry is to evaluate the effectiveness of decisionmaking decisions, which could bring about the involvement of Amercan military forces, and the Nation's engagement in war. I think it is a proper inquiry.

It has also raised other questions, extreme charges and you have referred to one of them. In asking the question I am now propounding to you, I do not do so because I accept it. But it has been stated in some quarters that the administration did not have any information which would justify either retaliation or the submission of the resolution. It has been speculated that the incident was contrived to bring the resolution before the Congress.

As I understand it, you say, there is no truth at all in such a statement or speculation. Is that correct? That is my question.

Secretary MCNAMARA. My answer is as you have indicated, Senator Cooper. There was nothing to it.

EXECUTIVE ATTITUDE REGARDING PROVOCATION

Senator COOPER. It has also been suggested that the incident was provoked in order to have a reason to come to the Congress. Was there ever any discussion or consideration of provoking an incident which would enable the administration to come to the Congress with the Tonkin Bay resolution?

Secretary MCNAMARA. No, sir. The reverse was the case. Every reasonable effort was made to reduce what otherwise would have been illegal operations or reduce what were legal operations in order to avoid provocation. It was no intention to provoke an incident. We do not believe it did provoke an incident. It is inconceivable to me that a plan to provoke an incident could have been developed within the kind of government we have without this having been known to enough people for one of them to report authoritatively to the Congress that such was the case. There was, I can just state unequivocally, there was, no intent to provoke. Quite the contrary.

Senator COOPER. Now, turning toward the evaluation that was made on August 4, is it correct that you did consult on that day with the Joint Chiefs of Staff?

Secretary MCNAMARA. Yes, sir. I did on numerous occasions during the day.

Senator COOPER. You have said that you consulted with other advisers. Would that include the Secretary of State?

Secretary MCNAMARA. Yes. As a matter of fact, the matter was so urgent and so important that I asked the Secretary of State to join me at the Pentagon before lunch, on August 4, which he did. We met there for a considerable time with representatives of the Chiefs. I say representatives because the Chairman was not then present, being out of the city, and subsequently the Secretary of State and I met with the President at the White House, and on several other occassions during the day the Secretary of State and I directly or indirectly discussed our views with the President—indirectly only in the sense that we may have been on two telephones at the same time with the President.

Senator COOPER. Did you detail your reasons for finding that an engagement had taken place?

Secretary MCNAMARA. Yes, sir.

Senator COOPER. Acting upon the basis of information received from the destroyers themselves and also from intercepts, was there included a message from the commander of the *Turner Joy* before the retaliatory strike, reporting that there had been an engagement?

Secretary MCNAMARA. Yes, sir. The commander of the Task Force 72.1, who was not the commander of the *Turner Joy*, but was the superior officer to the commander of the *Turner Joy*, and was on the scene on the *Maddox*.

Senator COOPER. There is a statement in the record, furnished us by the staff, which says that 3 hours before the retaliatory strike, the commander of the *Turner Joy* reported there had been an attack.

Secretary MCNAMARA. That is correct. I simply wanted to differentiate between him and the commander of the task force.

CONFIRMATION OF ATTACK

Senator COOPER. At the time the decision was made to make the retaliatory strike, was any question raised or was there any in your mind that an engagement had not taken place?

Secretary MCNAMARA. No, sir.

Earlier in the afternoon, because of some of the uncertainty as to the details of the engagement, I had said that we should not carry out any retaliatory strike until we satisfied ourselves that an engagement had taken place. We did so satisfy ourselves during the remaining hours of the afternoon, and that is not just my view. It is the view of every one of the key senior and civilian and military officials in the Department.

Senator COOPER. Accepting the fact of the engagement, and I do, there remains a question of judgment whether the scope of the engagement was such that a resolution should have been presented, and also whether in hindsight the Congress should have voted one.

You have said categorically that our ships were never in territorial waters. Is that correct?

Secretary MCNAMARA. That is correct, sir.

Senator COOPER. That conclusion is based upon the statement that the United States did not consider territorial waters of North Vietnam to extend a distance beyond 12 miles?

Secretary MCNAMARA. That is correct.

Senator COOPER. This is bound to be questioned, you know. What authority do you find for making that statement?

Secretary MCNAMARA. The authority I cited in my statement based upon the lawyers of the Department who are familiar with the law of the sea, which is that unless a nation claims beyond 6 miles its territorial waters are not believed to be extending beyond that limit, and North Vietnam had not claimed beyond 3 miles before August 4, 1964.

Senator COOPER. There has been brought in question a statement you have made when you came before the committee to testify for the Tonkin Bay resolution, that the Navy was not associated with the South Vietnam 34A operations. You said further, "I must emphasize the *Maddox* did not know of these actions."

NAVAL KNOWLEDGE OF SOUTH VIETNAMESE OPERATION

Were you intending to say that the Navy had no knowledge of them or were you emphasizing that the *Maddox* had no knowledge of them?

Secretary MCNAMARA. I was emphasizing the *Maddox* did not, Senator Cooper, because I knew at the time—as a matter of fact I informed the committee at the time—that I knew and the senior commanders in the Navy knew of the South Vietnamese opera-

tions, at least in terms of the general character of them.

At the time of the specific incidents of August 4, I did not know of the attack on August 3 by the South Vietnamese, but we knew of the operations, and some senior commanders above the level of the commanders of the task force did know the specific dates of the operations.

Senator COOPER. Questions have been raised about the patrolling of North Vietnam, Tonkin Bay, and an analogous situation in North Korea.

Is there communication in the Department between the naval authorities, between you and the President and the Secretary of State about patrolling these coasts when it involves the possibility of actions such as occurred in the Tonkin Bay and off North Korea?

Secretary MCNAMARA. There is a special group set up, on which I am represented by the Deputy Secretary of Defense, and which includes comparable senior officials from the State Department, the CIA, and certain other agencies of Government before which must be presented every one of these missions for the approval of the members of that group.

If there is any difference of opinion among those members, the matter is to be brought to the attention of the Secretary of State and the Secretary of Defense. So the answer to your question is, "Yes."

I do not mean to say that the President is personally involved in this. But I am personally involved in it through my Deputy Secretary, and the Secretary of State is personally involved in it through a very high level representative of the State Department.

Senator COOPER. I would assume that such measures must be taken at times when necessary to protect the security of our country.

RISKS OF NAVAL INTELLIGENCE OPERATIONS

I do think, however, that there is a very serious problem involved when, as has been evidenced by the *Pueblo*, and when we are rather thinly spread, it seems to me risks are taken which result in incidents which humilitate our country and also place the United States in a position where there is danger of deeper involvement and not of our choice.

I assume that you look at these problems. But I give my own view that there should be the most thorough and immediate consideration of this problem undertaken—so that we will not become further involved.

I think that is all I have to say at present.

Secretary MCNAMARA. Thank you very much, Senator.

The CHAIRMAN. Senator Gore.

Senator GORE. Well, Mr. Secretary, it is painful to subject you to this interrogation after the sacrifices you have made for public service, and I regret that I do feel the necessity of doing so.

CLAIM THAT ADMINISTRATION HAS BEEN MISLEADING

I do not in any sense question your patriotism or your sincerity. On the other hand, I feel that I have been misled, and that the American people have been misled. Indeed, the statement that you released today does not fully comport with the testimony that you gave to this committee earlier today.

I cite one instance, the statement—well, when I say "testimony" I mean other than the prepared statement. I read from your prepared statement:

"In addition to the above—"

This is on page 17—

"intelligence reports received from a highly classified and unimpeachable source reported that North Vietnam was making preparations to attack our destroyers with two Swatow boats and with one PT boat if the PT could be made ready in time."

The second sentence—I raise no question about the first sentence I just read, except the characterization of the source as "highly classified and unimpeachable."

The second sentence:

"The same source reported, while the engagement was in progress on August 4, that the attack was under way."

I submit, Mr. Secretary, you have cited nothing from the intercepted message to support that.

Secretary MCNAMARA. Let me put in at this point in the record, if I may, the four messages, starting with the first at [deleted] indicating there were two objectives, enemy attack vessels, located at a point at which the *Maddox* and the *Turney Joy* were located within 3,000 yards of them; and the second message, which stated that——

Senator GORE. Directing them to make ready for military operations.

Secretary MCNAMARA. Make ready for military operations, again referring [deleted] and the third message indicating that the Swatow boats reported an enemy aircraft falling and enemy vessel wounded, and that message coming 12 minutes after our ships reported that they were being attacked.

The fourth message later reporting that they had shot down two planes and sacrificed two ships, and adding further details of the engagement.

I submit that any reasonable explanation of these messages leads one to the conclusion that the attack was underway, as I stated in my statement.

Senator GORE. Well, that interpretation is possible. Another interpretation is that this was an exaggeraated report by the North Vietnamese commander, just as they exaggerated the losses of our planes.

But your statement released to the public is that the same source reported while the engagement was in progress on August 4 that the attack was underway. That is a flatfooted statement that nothing you have submitted today supports.

Secretary MCNAMARA. I take issue with that, Senator Gore, and I think it is not proper to say that the four messages were just a report from a commander. These four messages were flowing back and forth amoung various stations.

Now, I am going further than I should in discussing this classified information.

Senator GORE. Well, your publicly released statement this is compounded by your flatfooted statement on page 5:

"During this same time, intelligence sources reported that North Vietnamese vessels stated they had our ships under attack."

Well, the same flatfooted statement is repeated. Nothing you have submitted supports this unqualified statement.

Secretary MCNAMARA. Well, I differ on that, Senator Gore, and I do not think we should discuss this further unless we want to back into messages which I do not want to do in the room with uncleared people present.

Senator GORE. Then I would like to call to your attention, and I do not know what the committee wishes to do, but I think we have no choice but to make an incisive examination to reveal the actual facts.

Now, without identifying the messages to which I will refer on page 17 as to time, you quote the task group commander this way:

"Vice Admiral Roy L. Johnson, USN, Commander of the U.S. Seventh Fleet at the time, stated in his review of the combined chronology and track charts submitted by the Task Group Commander: 'Commander, 7th Fleet, is convinced beyond any doubt that *Maddox* and *Turner Joy* were subjected to an unprovoked surface torpedo attack on the night of 4 August 1961.'"

POSTMISSION EVALUATION NOT REVEALED

Now, what I wish to point out is not any inaccuracy there but the failure to reveal to the American people that this statement was made on August 14.

Secretary MCNAMARA. Quite right.

The CHAIRMAN. August 14?

Senator GORE. August 14.

Secretary MCNAMARA. That whole paragraph relates to postmission evaluation and, as I pointed out on page 19, some of the details cited above, particularly the statements of eye witnesses, although gathered immediately after the attack, had not reached Washington at the time the reprisal air strikes were ordered executed.

Sufficient information was in the hands of the President, however, to establish beyond any doubt then or now that an attack had taken place, and I cite the information available, and I do not include Admiral Johnson's report or Admiral Moorer's report or General Burchinal's report, all of which came in as a result of their evaluations of the reprisal attack.

Senator GORE. I understand. I have read this report, and I realized when I read it that the evaluation made was after the fact, after the attack had been ordered.

This goes to the matter that troubled this committee, and I will say troubles me—I won't speak for the committee, I will say it troubles me.

I do not hold that this was a rigged affair, but from all the testimony you have submitted here today the administration stands revealed as having acted very hastily and out of proportion to the provocation and, it seems to me, to further compound the thing you quote, let me see, you refer here to Lt. Gen. David A. Burchinal.

Secretary MCNAMARA. Burchinal.

Senator GORE. It says he analayzed the information from message traffic with the assistance of the Joint Staff. You do not say when. He gave his evaluation to the Secretary of Defense, "The actuality of the attack is confirmed."

Now, you had sent out messages hours before the order to attack North Vietnam asking that that attack on our ships be confirmed. You got your confirmation from Lieutenant General Burchinal on August 7, 2 days after we had made an attack on North Vietnam. So this has gone out to the public today.

Now, I have said nothing publicly, so far as I know the chairman has said nothing publicly, but once again the facts have been twisted, Mr. Secretary.

FACTS ARE PRESENTED IN A STRAIGHTFORWARD MANNER

Secretary MCNAMARA. No, sir; I beg your pardon, Senator Gore, the facts have not been twisted. I am talking about no one within the Department of Defense has reviewed all of the information which I later point out came in after the incident. All of these eyewitness reports came in after that. That is known to you, it is known to the members of the committee, it is known to others.

Senator GORE. But it is not known to the American people.

Secretary MCNAMARA. I so indicated. I stated on page 19 that it was.

Senator GORE. It is not so identified.

Secretary MCNAMARA. Also on page 19, I specifically listed the information available to the President at the time he ordered the retaliatory attack, and it does not include reports from Admirals Johnson or Moorer or General Burchinal. That is exactly the purpose of it.

Senator GORE. You bolstered the decision by stating conclusions reported after the fact.

Secretary MCNAMARA. No, no.

Senator GORE. And you state twice that these highly classified and unimpeachable sources said that the attack was underway. We have had no such information. We have had corroborative evidence that might bear that interpretation.

Let me cite one other thing, if I may.

Secretary MCNAMARA. May I first make clear that I did not indicate that Johnson's,

Moorer's, or Burchinal's evaluation took place before the retaliatory decision. I did indicate that they reviewed all of the information that I previously discussed, much of which, particularly the testimony of eyewitnesses, was taken after the retaliatory attack, which I stated on page 19 occurred after the retaliatory attack.

Senator GORE. Well——

Secretary MCNAMARA. I worked until 8:30 last night trying to be certain this statement was accurate. I had some of the best lawyers in the Department to work on it, and I submit to you it is not misleading.

Senator GORE. Well, it is a difference of opinion. I say that there is nothing you presented today that supports your public statement that you had a report from a "highly classified and unimpeachable" source reporting that the attack was underway.

Secretary MCNAMARA. Well, we just differ then on the meaning of words, Senator Gore.

Senator GORE. Well, let us see if we differ on this matter. Today in your statement you say this, and this is page 2:

"As I stated then and repeat now our vessels played absolutely no part in and were not associated with this activity. There was then and there is now no question but that the United States Government knew, and that I knew personally, the general nature of some countermeasures being taken by the South Vietnamese in response to North Vietnamese aggression. As I informed Congress the boats utilized by the South Vietnamese were financed by the United States. What I said then, and I repeat today, that the *Maddox* and the *Turner Joy* did not participate in the South Vietnamese activities and they had no knowledge of the details of these operations, and that in no sense of the word could they be considered to have backstopped the effort."

Now, here is what you said to the committee on the 6th:

"I would like to cover three points. First—"

The CHAIRMAN. Of August 1964.

Senator GORE. Of August 1964.

"First, our Navy played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions, if there were any. I want to make that very clear."

NEW STATEMENT ALTERS TESTIMONY OF AUGUST 1964

This was stricken from the record that was published. You state further, and I read again what was stricken from the record—

"It was not informed of, was not aware, had no evidence of and, so far as I know today, has no knowledge any, any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to."

Now, in your statement today you modified that. You said they had no knowledge of the details of these operations. That was not the question at all. So there is a considerable difference in what you said to the public today on this point and what you said to the committee on August 6, 1964. I read further, and all I am reading here, Mr. Secretary, was stricken from the record.

Secretary MCNAMARA. Could I interrupt you one moment, Senator Gore?

Senator GORE. Yes, sir.

Secretary MCNAMARA. Possibly through oversight you omitted a very important sentence in that August 6, 1964, statement because you read a sentence that started with the word "It" when the word "It" in relation to what you said previously might have reflected back on the Navy, to mean the Navy, whereas it meant the *Maddox*, and the sentence you omitted was, "The *Maddox*, operating in international waters, was carrying out the routine patrol we carry out of the type we carry out at all times, it was not informed of it," meaning the *Maddox* was not informed of it.

Senator GORE. That is correct. The Department or you struck that from the record.

Secretary MCNAMARA. I said the *Maddox*——

Senator GORE. It differs from what you said to the public today.

Secretary MCNAMARA. I beg your pardon?

Senator GORE. Let me read two sentences.

Secretary MCNAMARA. Let me make clear what this says and what the committee understood at the time, that the *Maddox* was not informed of, was not aware of, had no evidence of, no knowledge of any possible South Vietnamese actions in connection with the two islands that Senator Morse referred to. That was my belief then, it is my belief today, and I personally had the commander of the patrol called within the last 72 hours to check and make sure that my understanding was still correct, and he says he did not have knowledge then of the possible South Vietnamese actions in connection with the two islands Senator Morse referred to.

Senator GORE. Well, your first statement there is that our Navy played absolutely no part in——

Secretary MCNAMARA. I think the word, when I say our Navy played no part, I think that is true; was not associated with, that is true. I said it was not aware of, I think that is ambiguous. I was using the word "Navy" referring to the task force. But I think that it is ambiguous.

Later in the paragraph I think it is clear I was referring in the whole paragraph to the task force. But I certainly agree with you that the word "Navy" in the first sentence is ambiguous.

UNITED STATES KNEW OF 34A OPERATIONS

Senator GORE. Well, of course, we know now from the cables that the *Maddox* was, in fact, informed of the 34 Ops.

Secretary MCNAMARA. You do not know now that they had knowledge of——

Senator GORE. The details.

Secretary MCNAMARA. (continuing). Possible—not details. You do not know now they had knowledge of what I said they did not have knowledge of, which is possible Vietnamese actions. You know very well that the Navy meant *Maddox* in this context in that first sentence because I myself reported that the Navy had furnished the boats to the South Vietnamese, and you, meaning the Congress, so reported in the congressional debate, so there could have been no misinterpretation then, and I do not think there is now of that paragraph.

Senator GORE. Well, I won't review the cables. They are already in the record.

There is another sentence which you spoke to the committee about on page 24 of the executive hearings that was deleted. I will read the whole sentence lest—and then I will identify what is stricken:

"I testified the other day that the American vessels were or the American vessel was, it as the *Maddox* at that time, was operating on a southerly course in routine patrol in international waters in this area."

The following part of the sentence is stricken, "and that vessel had absolutely no knowledge of any actions of any kind by the South Vietnamese in South Vietnam or outside of South Vietnam."

The cables certainly contradict that.

Secretary MCNAMARA. I do not believe so, Senator Gore.

Senator GORE. Will you give me those cables?

Secretary MCNAMARA. Yes, sir; I have them here, and I will be happy to see that they are inserted in the record right here. The cables instruct the commander of the *Maddox* to stay outside certain restricted areas. They do not tell him who is operating in the areas or against what targets or at what times. They simply say, "Stay north and east of a line between two points 17 degrees, 17 plus degrees, in such and such easterly longitude."

Later that instruction is modified to say, "Stay north of 19 degrees 10 minutes north."

Senator GORE. Well, Mr. Secretary, you said earlier that the commander of the *Maddox* knew what 34 operations stood for.

Secretary MCNAMARA. I did not say. I think you will find in the record that I did not say that.

Senator GORE. Didn't he say that, Mr. Chairman?

KNOWLEDGE OF SHIP COMMANDERS LIMITED

Secretary MCNAMARA. You will have to check the record and see that. I said he did not know the time schedule of operations or of the targets or of the details of the operations. He did know that he was to stay out of certain restricted areas. He knew the term "34–A" because it was included in a message that was sent to him.

Senator GORE. But did not know what it stood for?

Secretary MCNAMARA. I do not believe he knew what it stood for, and he certainly did not know anything about these particular targets or dates or the nature of operations.

One good evidence of that is that he misidentified 34–A vessels as Russian vessels.

The CHAIRMAN. Didn't he later say in one of his cables that the North Vietnamese were very agitated about their presence there and regarded them as part of the 34–A operations, in one of the later cables? I think he said that is why he was apprehensive and suggested that they call off the further operation.

The cable—let me see, I think—let me see, this is very puzzling to me. Is this the one at the top? The cable from the *Maddox*, "The above patrol will"—this is to the *Maddox*—"clearly demonstrate our determination to continue these operations. Possibly draw North Vietnamese Navy patrol boats to northward away from the area of 34–A operations and eliminate DeSoto patrol interference with 34 operations."

Then, on the 4th of August, some 15 hours before the second incident, the operational commander of the *Maddox* and the *Turner Joy*, who was abroad the *Maddox*, sent the following to the commander of the 7th Fleet:

"Evaluation of info from various sources indicate that DRV considers patrol directly involved with 34A Ops.

"The DRV considers United States presence as enemies because of these ops and have already indicated readiness to treat us in that category.

"B. DRV are very sensitive about Hon Me. Believe this is PT operating base and the cove there presently contains numerous patrol and PT craft which have been repositioned from northerly bases."

I cannot imagine a commander who sent that saying that they considered him a part of the 34 operations without knowing anything about what 34 operations was.

Secretary MCNAMARA. Well, I can only tell you what he tells us, which is that he did not know the nature of the 34–A operations, the targets, the times, the boats, the courses, or anything at that time.

The CHAIRMAN. The details.

Senator GORE. That was not what you told the committee though, Mr. Secretary.

Secretary MCNAMARA. It is what I believe I told the committee, Senator Gore.

PUBLIC STATEMENTS BY THE ADMINISTRATION DECEPTIVE

Senator GORE. You told the American people today they did not know about the details of the operation. What you said to the committee, back in 1964—let me find it:

"Our Navy played absolutely no part in, was not associated with, was not aware of, any South Vietnamese actions if there were any"

Secretary MCNAMARA. First, let us get clear that is in the paragraph that was talking about the *Maddox*, and the word "Navy" is synonymous with the *Maddox* there.

Senator GORE. Well, we just read—

The CHAIRMAN. This paragraph is from the communication from the *Maddox*.

Secretary MCNAMARA. Let me just take it step by step here because I had the same testimony said that the Navy had given boats to the South Vietnamese for this, for the purpose of Operation 34–A, so it is quite clear that the Navy in the generic sense and in the sense of the upper echelons of the Navy knew about 34–A, and my own testimony so indicated.

Senator GORE. May I interject something here?

Secretary MCNAMARA. Surely.

Senator GORE. Also the *Maddox* received a cable that they could pick up a MAAG officer from South Vietnam, one of the advisory group in charge of 34 operations for any intelligence communication it wished to make.

Secretary MCNAMARA. I do not believe that the MAAG officer was in charge of 34 operations. I think it was a MAC/V liaison officer.

The CHAIRMAN. It is MAC/V.

Senator GORE. What did the cable say? It was an advisory military officer to South Vietnam.

Mr. BADER. It simply said a MAC/V representative. It made no indication——

Secretary MCNAMARA. It made no indication.

Senator GORE. What would he be if it was not a military adviser to South Vietnam?

Secretary MCNAMARA. So far as the *Maddox* is concerned, he had no known relationship to 34–A but was presumably interested if he were there at all, and it turned out he was not interested enough to go, in sea infiltration, and the information the *Maddox* would collect in relation to it.

Senator GORE. For whatever it means, the commander of the task force was aware that if he wished some advice from an officer in, an American officer in South Vietnam, he could contact him.

Secretary MCNAMARA. Not advice. He was aware that he could——

Senator GORE. Information instead of advice.

Secretary MCNAMARA. Not even information. It was presumably for the purpose of the MAC/V benefiting from association with the intelligence collection patrol, and MAC/V believed it did not benefit enough from association with the intelligence collection patrol to send an officer on it, and it did not.

Senator GORE. Well, the reason I am pressing this point is that a point was made by a member of this committee at the time that the U.S. vessels *Maddox* and *Turner Joy* were conducting their patrols if not in conjunction with, at least in such a way and at such times over a period of 2 days here, that the North Vietnamese might reasonably assume that there was coordination between the South Vietnamese-operated vessels which we had furnished, and the crews which we had trained and advisers which we had supplied, that they could likely consider, and it was reasonable that they would consider, that our ships were sufficiently associated with the operations as to be possibly confused with the attack and, indeed, as you have today cited, the communication, the intercepted communication, of the North Vietnamese referred to our ships as enemy vessels.

PREPARATIONS FOR INTELLIGENCE PATROL

I now have the cable to the *Maddox*. You are going to have to read this, Mr. Bader. This is the original. I cannot read this.

Mr. BADER. "Embark COMVAN with personnel MAC/V rep"—a representative from the military assistance group in Vietnam—"and mobile photo unit photographer in Keelung, Taiwan. Offload personnel and equipment Keeling upon completion of patrol."

Secretary MCNAMARA. Yes, and the MAC/V representative was, in effect, invited to participate in the patrol, assuming that he might find it useful to obtain at first hand the intelligence information the patrol collected, because of MAC/V's concern about sea infiltration, a concern that later led within 3 or 4 months after that to the establishment of the U.S. naval patrol along the coasts of Vietnam to stop sea infiltration. In any case MAC/V did not accept the invitation. He did not feel he would benefit from it, and there was no MAC/V representative on board.

May I go back to the point you made that it is your belief that the DeSoto patrols on the 2d of July, 2d of August, and 4th of August were carried out in such a way that North Vietnam could reasonably assume there was coordination between them and operations 34A, I do not believe so for the following reasons:

At the time of the July 30 operation, 34A attack, the *Maddox* was 130 miles from the point of attack when it occurred. The attack on the *Maddox* occurred 63 hours after the 34A attack. At the time of the attack on the *Maddox*, the *Maddox* was 28 miles from the coast and steaming east. I see no basis on which the North Vietnamese could have concluded that that *Maddox* patrol was coordinated with the 34A operation.

Secondly, at the time of the August 4 attack on the *Maddox* and the *Turner Joy*, they were 70 miles from the Operation 34A attack when it occurred.

The attack on the *Maddox* and the *Turner Joy* appeared 22 hours after the 34A attack. At the time the *Maddox* and *Turner Joy* were attacked they were 60 miles from the coast and they were steaming east.

And, finally, I am informed by those who interrogated the prisoners, the North Vietnamese naval prisoners, we have captured subsequent to the attack, that North Vietnam knew the difference between the 34A operations and the DeSoto patrols and did not confuse the two.

Senator GORE. I have now found the telegram I was, the cable I was searching for, and this was on July 10.

"The Commander in Chief of the U.S. Forces in Pacific authorizes his fleet units involved in the DeSoto Patrol to contact Commander, United States Military Assistance Vietnam for any additional intelligence required for prevention of mutual interference with 34A Operations and such communications arrangements as may be desired."

That is what I was looking for.

Secretary MCNAMARA. Yes. Well, that simply means that the commanders were trying to separate the two.

Senator GORE. But you tell us——

Secretary MCNAMARA. May I just finish one second?

Senator GORE. Yes.

ATTEMPTS TO COORDINATE AMERICAN AND SOUTH VIETNAMESE PATROLS

Secretary MCNAMARA. That the commanders were trying to separate the two, and the commander in chief Pacific instructed his subordinate commanders in the commander of Naval Forces Pacific, and the 7th Fleet they were authorized to contact the U.S. commanders in South Vietnam to obtain enough information on the 34A operations to plan the DeSoto patrol in such a way as to not conflict with it.

Senator GORE. I do not know why you belabor the point. I do not wish to belabor it further.

It is clear to me that our Navy and the commander of the task force knew of the 34A operations. He was advised, as I have just read, to contact the commander in chief of the military assistance in Vietnam for additional intelligence required. For what purpose? Prevention of mutual interference with 34A operations.

The chairman has just read a telegram from the commander of the DeSoto patrol, of the *Maddox*, referring to 34A operations.

Secretary MCNAMARA. Senator Gore, may I interrupt you here one moment. I do not believe it is correct to say, as I understood you to say, that the commander of the *Maddox* was advised to contact MAC/V regarding 34A operations. I do not think that that cable is to the commander of the *Maddox*.

Senator GORE. Well, let me read it.

Secretary MCNAMARA. Let us be sure, let me get the cable in front of me so I can be absolutely certain I know to whom it is addressed. What is the number of the cable?

Senator GORE. I do not know. I am reading from a summary here. It was on July 10, 1964. I do not believe I have——

Mr. BADER. I have the cable here, Mr. Secretary.

Senator GORE. Let the Secretary have it, if you will.

Mr. BADER. I want to make it clear for the record that this cable is to U.S. Fleet units, not direct to the *Maddox*.

Secretary MCNAMARA. This is not the *Maddox*. This is from CINCPAC in Honolulu to CINCPAC Fleet, and it says:

"Desire you"—CINCPAC Fleet—"submit data required for the DeSoto patrol for the primary purpose of determining"—such and such, in designating type—"not mandatory it be employed. Desire patrol be scheduled to commence 1 August. Direct liaison is authorized with MAC/V for any additional intelligence." That is between CINCPAC Fleet and MAC/V and not between the commander of the *Maddox* or the *Maddox* patrol.

Senator GORE. We keep alternating from the commander of the task force and the Pacific commander, and it seems to me that is really not consequential because whoever was directing the operations knew of both operations, and they were occurring within a period of 3 days within the same gulf, and the point was made here—let me repeat—that this would give cause or provocation because of concern for any reasonable opposing country to assume that there was coordination. But then you have given a statement.

NORTH VIETNAMESE COULD DISTINGUISH "MADDOX"

The CHAIRMAN. Will the Senator yield? The Secretary said the North Vietnamese did not confuse the *Maddox* with 34 ops. I think that is true, because they knew it well enough that they certainly thought it was involved in or coordinated with it. That is, I accept the idea that they could tell the difference beween the *Maddox*, which is quite a little ship, and a patrol boat.

But the wire, the cable, from the *Maddox* commander, that is, the commander of the task force, clearly indicates that the DRV, as he says, considers patrol directly involved with 34–A Ops. The word confused with—no one is contending they could not tell the difference between a destroyer and a patrol boat, but they were involved with or they were coordinating their actions; that is what this shows.

Secretary MCNAMARA. Mr. Chairman, there have been several points raised by Senator Gore and you, and let me try to cover them, as I recall.

First, Senator Gore said it is not very relevant to whom the message is addressed It is absolutely fundamental in relation to my testimony and in relation to the question of the degree to which the commander of the *Maddox* knew about 34–A, as to whether the cable from CINCPAC instructing CINCPAC Fleet to feel free to contact MAC/V went to CINCPAC Fleet or to the *Maddox*. If it went to CINCPAC Fleet it is not an instruction to *Maddox*. It is very relevant.

Secondly, the wire from the commander of the *Maddox* to which you referred, Mr. Chair-

man, as I explained this morning, was not based on any information available to him that he can now recall or that we know he had. I think it was sheer speculation, and an unfounded speculation, and a speculation that is disputed by other evidence.

Thirdly, there is no question but what the DeSoto patrol and the Operation 34 tracks and activities were separated in place and time by miles and times that I referred to a moment ago.

The North Vietnamese radar tracked both of them; we can be confident of that. They knew they were separated in place and time, but importantly, and most important of all, the North Vietnamese knew they had nothing to fear from our DeSoto patrol. This was the fourth one carried out. They were all carried out essentially in the same fashion and operating procedures. At no time did any of these patrols carry out hostile action. At no time did they contribute in any way to the success of the 34–A Operations and, therefore, there was no basis whatsoever for the North Vietnamese to consider them a part of or associated with 34–A Operations.

The CHAIRMAN. That is mighty hard to believe. In this same cable, the *Maddox* commander asks for cover overhead under the control of the destroyers. Even 15 minutes was not enough. Why would he be so concerned?

Senator GORE. He wanted them immediately overhead and under his command.

The CHAIRMAN. He wanted them immediately under control of the destroyer.

Secretary MCNAMARA. Let me ask each of you gentleman if you had been attacked yesterday, and you had knowledge that you were likely to be attacked again, would you be satisfied with less than immediate air cover? I would not, and he was not.

The CHAIRMAN. No, because of what he says here, because he considers him the enemy.

Secretary MCNAMARA. Not because of what he says here, but because he was shot at. I happen to have one of the bullets in my pocket, 24 hours before. Here it is, right here, This came from the man who sent the cable. That is the reason why he was asking for a 15-minute-reaction air cover.

Senator GORE. You hold one bullet, and we sent 64 ships in retaliation.

Secretary MCNAMARA. And there were——

Senator GORE. Airships.

Secretary MCNAMARA. There were two separate attacks on U.S. vessels on the high seas.

Senator GORE. I do not think, Mr. Secretary, the second attack has been established by your testimony today at all.

EVIDENCE FOR SECOND ATTACK IS NOT SUFFICIENT

Secretary MCNAMARA. All I can say is that that——

Senator GORE. I think there is more question now than when you came.

Secretary MCNAMARA. All I can say, Senator Gore, is that those in the Department who had no responsibility for the retaliation, and who have examined the information, concluded beyond any shadow of their doubts that the second attack occurred.

Senator GORE. Let me state quite candidly my feeling of doubt and question. I hope that further inquiry will resolve these doubts and questions. I feel the Congress and the country were misled about the closeness of operation of DeSoto patrol and the South Vietnamese raids by vessels that we had furnished, by men we had trained, operating with the advice of our military advisers in South Vietnam. That is No. 1.

I know I have been misled. It may be partly my fault. I am not excusing myself.

Secondly, I feel that I was misled that this was an entirely unprovoked attack, that our ships were entirely on routine patrol. The fact stands from today that they were intelligence ships; that they were under instructions to agitate North Vietnam radar, that they were plying close to the shore within 4 miles of the islands under orders in the daytime, retiring at night; that they were covered with immediate air cover which, in itself—that they were covered with military aircraft which you said on television the other day which would be provocative off of North Korea. Why it would not be provocative off of North Vietnam I do not know.

Thirdly, I think that from my tentative conclusion it is that the administration was hasty, acted precipitately, inadvisably, unwisely, out of proportion to the provocation in launching 64 bombing attacks on North Vietnam out of a confused, uncertain situation on a murky night, which one of the sailors described as one dark as the knob of hell; and, particularly, 5 hours after the task force commander had cabled that he doubted that there were any attacks, and recommended no further action be taken until it was thoroughly canvassed and reviewed. And yet you give to the American people the canvass that occurred, two canvasses, one on the 7th and one on the 14th, several days after the attacks.

So I think, Mr. Chairman, in view of all these facts, and in view of the statement that has been released which, I submit, is misleading in details which I have cited, and I have marked others as I went through, that we have no choice but to proceed further with the inquiry.

The CHAIRMAN. Senator Pell, you have been patient.

Secretary MCNAMARA. Mr. Chairman, may I make one or two brief comments. I do not think you will want me to take time at 6:25 in the evening to respond in full to Senator Gore's comments, because I disagree almost completely with all of them, and I think the record or the testimony today will show why.

I do want to make two points, however, that the commander of the task force did not say he doubted there was any attack, as Senator Gore alleged. He specifically did not use that language, and I think the record should not be allowed to show that——

Senator GORE. Mr. Chairman, could I ask that his——

Secretary MCNAMARA. Yes.

Senator GORE. I was paraphrasing.

Secretary MCNAMARA. He raised a question about certain details, and we will put the exact message in here. It is at [deleted].

Mr. BADER. Mr. Secretary, I think I could read it for you again.

Secretary MCNAMARA. No, we will just put it right in here.

Senator GORE. Let me read it. It is certainly better than the words that I have used:

"Review of action makes many reported contacts and torpedoes fired appear doubtful. Freak weather effects and over-eager sonarmen may have accounted for many reports. No actual visual sitings by *Maddox* suggests complete evaluation before any further action."

Yet 5 hours later we launch an attack with 64 planes on a little country.

Secretary MCNAMARA. Because we have made a complete evaluation.

The point I want to make is he did not doubt there was any attack. He did not say so in his message.

WASHINGTON DID NOT HAVE ALL DETAILS OF ATTACK

The second point I want to make is that I did not state in my statement that we had information from Admiral Johnson or that we had Admiral Johnson's evaluation report or Admiral Moorer's evaluation report or General Burchinal's evaluation report at the time we made the decision regarding retaliation. I very specifically mentioned on page 19, I believe, that some of the details cited above, particularly the statements of eye witnesses, had not reached Washington at the time the reprisal air strikes were executed, but information adequate to establish beyond any doubt that an attack had taken place was available, and I listed specifically what that was. I said allow me to repeat again that information.

Senator GORE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Pell, you have been very patient.

Senator PELL. I have a couple of questions and one comment, if I may.

In your open, leased statement, you mentioned the figure of, first it was 8 miles and then withdrawn to 11 miles, of the patrol. What was the reason for choosing 11 miles as opposed to 12 or 13?

Secretary MCNAMARA. I cannot say why it was 11. I think I can say why it was 8. They simply wanted to make it a little further away than it has been previously and, as you know, the patrol itself stayed 16 miles away, although it was authorized to go 11.

CONFLICTING CLAIMS OF TERRITORIAL WATERS

Senator PELL. Right.

I understand you presumed North Vietnam had a 3-mile limit because it was a successor country to France, which had had it.

I am disturbed here with the analogy of Korea because Korea is also, North Korea is also, a successor country to a nation that had a 3-mile limit, specifically, Japan.

And yet we have honored, as I understand, quite conscientiously, the 12-mile limit that North Korea has claimed. What is the reason for presuming or for not presuming that North Vietnam did not also have a 12-mile limit?

Secretary MCNAMARA. Because in the case of North Korea they had previously stated a claim to territorial waters out to 12 miles whereas North Vietnam had not made any such claim. I want to emphasize, of course, we do not recognize North Korea's claim to 12 miles. The point here is that North Vietnam had not claimed 12 miles.

Senator PELL. Right.

Secretary MCNAMARA. And, therefore, we were not operating within territorial waters claimed by them.

Senator PELL. It is not so much a question of recognizing or not recognizing. We do not willfully want to provoke more hostilities. I am sure you probably feel that way more strongly than any of us.

I was looking at the note that the North Vietnamese sent to the International Control Commission, on the 31st of July objecting to the 34A operations, calling it a violation of the sovereignty and territorial integrity of the DRV, and referring to them as acts of the Americans, and the Southern Administration. Then on August 5, they made an English language broadcast, in which they referred specifically to our destroyer, and said:

"On the afternoon of 2d August it (the destroyer) encountered our patrol boats between Hon Me and Lach Truong in our territorial waters. In the face of the provocations by the sea rovers, our patrol ships took action to defend our territorial waters and fishermen and chased the enemy ship out of our territorial waters."

This (this broadcast of August 5 stating that our destroyer was in their territorial waters on August 2 when we knew that, while she had gone to within 8 miles of the North Vietnamese main shore, her orders had permitted her to go no nearer) [1] would indicate to me that they had thought that 12 miles was their territorial limit. Would you believe that this broadcast supported that thought?

Secretary MCNAMARA. It would indicate that they thought 3 miles or 12 miles?

Senator PELL. Twelve miles.

[1] Parenthetical statement subsequently added for clarification.

U.S. RECOGNIZED 3-MILE LIMIT

Secretary McNAMARA. I do not think it really led us to that conclusion. We believed up to that time they thought 3 miles was the territorial limit because they had not stated anything beyond that.

Senator PELL. You thought 12 miles up to that time?

Secretary McNAMARA. No; we thought 3 miles.

Senator PELL. Three miles, I am sorry.

Secretary McNAMARA. Was their territorial limit because they had not said anything to the contrary. It was not until September 1 that they did, to the best of my knowledge.

Senator PELL. I must say I agree with Senator Gore in his point that the retaliation seems large in proportion to the offense. I know from the old rules of land warfare that if you are engaged in hostilities or occupying a country, the rule of thumb given to a commanding officer is that you can retaliate 10 to one. If two of your men are killed by saboteurs or franc tireurs, you have recognized authority to kill 10 civilians for each one of your men. At least, this is what we were taught in World War II.

It seemed to me in these two attacks, one definite and one quite possible, we suffered no damage. Therefore, why did we feel we had to retaliate on the basis of almost infinity from the viewpoint of the damage we suffered?

Secretary McNAMARA. Well, the attack was, the retaliation was, against sites associated with the vessels that carried out the attacks on our ships. The crime was not measured by the amount of damage done. It was measured by the violation of our right to navigate freely on the high seas, and it appeared to us that the retaliation was controlled, limited, and quite appropriate to the character and type of attack upon us.

Senator PELL. This is obviously a question of, a very subjective question of, opinion, where some of us would disagree strongly with you. But that is past history.

I would commend you on the way you handled the *Pueblo* case, because, although you had so many similarities there, you apparently followed a completely opposite course from the *Maddox*. You did not have an air cover, kept out of the 12-mile limit, and did not over react.

Do you feel that the lessons of the *Maddox* and Tonkin Bay resolution may have had an effect on your reaction to the heinous seizure of the *Pueblo*?

Secretary McNAMARA. No. I think the *Pueblo* case was different in the history that preceded it as compared to the *Maddox*.

We had clear and convincing evidence that North Vietnam was directing military operations of the Vietcong in South Vietnam; was supplying men for those operations by sea as well as supplying military materiel in large quantities, both men and materiel; and, therefore, that there was greater risk for our operations in the Gulf of Tonkin than there was in the waters off of North Korea.

I think that is the reason for both a difference in the nature of the patrol and also for the difference in the response.

Beyond that, beyond the history leading up to the actions, I think one should also recognize in the case of the retaliation attack against the North Vietnamese patrol boat bases, that this occurred after the second attack, and after the President, following the first attack, had stated that we would maintain our right to operate on the high seas, and that interference with that right would carry with it the gravest of consequences. So I think the situation really was quite different.

Senator PELL. All right.

COMPARISONS WITH OTHER ATTACKS ON AMERICAN SHIPS

The CHAIRMAN. I wonder if he would elaborate on the distinction between these cases and the *Liberty* where we were on the high seas and they actually destroyed the boat and killed 34 of the men.

Secretary McNAMARA. I think the major difference, Mr. Chairman, is in intent. There was no intent on the part of the attackers of the *Liberty* that has ever been disclosed to me from the Government of Israel to attack our ship.

The CHAIRMAN. That is more important than the actual destruction?

Secretary McNAMARA. I think so.

Senator PELL. I have the greatest sympathy with the officers of the ships. As one of the few people here who once stood watch underway and engaged in combatant activities at night, I can see how the confusion comes. I think you can imagine it, as you read your statement, as you hear Senator Gore's questions. I still stick to my view that our Government's response was excessive to the offense, particularly as it has been delineated in the hearing.

My regard for you as an individual, remains very high. I am sure that in no way would you intentionally or are you in any way intentionally misleading us. But I still believe we can all be honorable men and yet differ as to the courses of the same actions and react differently.

Secretary McNAMARA. Thank you.

The CHAIRMAN. Is that all?

Senator PELL. Yes, sir.

The CHAIRMAN. Does the Senator from Missouri wish to ask a question?

Senator SYMINGTON. Again, Mr. Secretary, I am sorry I was not here more today. Most of the people on this committee are also on the Finance Committee, so they never schedule hearings for me.

As I understand it from the little that I heard this morning and have heard today, if there was a mistake, and you do not believe there was a mistake, it was an unintentional mistake; and there was no conspiracy, no effort to formulate something to mislead the American people so as to justify going into a more active state of belligerency with North Vietnam. Does that sum it up?

Secretary McNAMARA. It does.

My belief is that the first attack occurred, the second attack occurred. We had evidence of a second attack at the time of our decision to retaliate. We acted constructively to try to avoid provocation, and there is no evidence submitted then or now that indicates either provocation or planned provocation.

Senator SYMINGTON. Thank you.

PROBLEM OF DISCLOSING SOURCES OF INFORMATION

One other question. I noticed you mentioned in your statement, which I saw only a few minutes ago, intelligence reports of a highly classified and unimpeachable nature. If that has been released, does that release us from being more specific about what the information was?

Secretary McNAMARA. No, sir. While you were at the other committee hearing I read a report from General Carroll that emphasized the very serious penalties that we faced were the source of the information disclosed.

Senator SYMINGTON. From the standpoint of future military operations?

Secretary McNAMARA. From the standpoint of current military operations.

Senator SYMINGTON. Well, tomorrow is future. I am probably the least informed. I just have not had the time, but is it fair to say that the actions taken were taken on the basis of this highly classified unimpeachable source information?

Secretary McNAMARA. It was one of the major factors leading us to the conclusions that we came to.

Senator SYMINGTON. Do you think you would come to these conclusions without it?

Secretary McNAMARA. Yes.

Senator SYMINGTON. That is an interesting answer.

It was not the deciding factor, but it justified the decision.

Secretary McNAMARA. It did.

Senator SYMINGTON. Is that correct?

Secretary McNAMARA. It did.

Senator SYMINGTON. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Secretary, I apologize for going so long.

RELEASE OF TESTIMONY CONSIDERED

In view of your release of your statement, do you have any objection to the committee, if it so decides, to release this transcript?

Secretary McNAMARA. Only as much information, Mr. Chairman, in the transcript that ought to be removed is that which refers to sources of data, and so on. But subject to that, I would be delighted to see it released.

The CHAIRMAN. This was one reason why I objected to releasing your statement until we had had an opportunity to see what the hearing would develop. But I think you can understand that it is going to be rather difficult to refrain from making public a major part, if not all, of this transcription order to give a balanced picture of the whole affairs, don't you?

Secretary McNAMARA. Mr. Chairman. I am sure you will recall I explained why my statement was released. I released my statement because there was an absolutely incorrect newspaper report of my testimony this morning issued.

Senator GORE. Mr. Secretary, you released an incorrect statement, at least one that is not in conformity with your testimony today.

Secretary McNAMARA. Senator Gore, I am sorry you hold that opinion. It is not held by others who have reviewed my statement in great detail. But I think it is perfectly clear that there was a newspaper report released at 1:22 this afternoon that was an absolutely false report on what I said this morning on a very important issue, and I do not suggest that a member of the committee made a false statement. I simply say that the newspaper report falsely reported what I said this morning.

Senator SYMINGTON. It is most unfortunate if he did.

The CHAIRMAN. I, of course, have no knowledge of that either, but I do not think it is all that important when he said it was in territorial waters.

LOCATION OF AMERICAN SHIPS DISCLOSED

Secretary McNAMARA. He did not say it was in territorial waters. I should not say he said, the newspaper report said he said I said it was in territorial waters. I did not say it was in territorial waters. It is a most important point, and I could not stand with that—I made every effort—I delivered 200 copies of that statement to this commitee this morning. I specifically instructed my people not to release it. We leaned over backward.

The CHAIRMAN. What I mean, there is nothing at all critical if you had stated that you did not say they were in territorial waters. But you released the whole statement, and that 20-page statement, which is a slight escalation.

Secretary McNAMARA. All I can say I told you, Mr. Chairman, why I did it.

The CHAIRMAN. I can understand why you did it. But you released the entire statement. There was no reason why you could not have stated to the press that you did not say they were in territorial waters, which would have been a direct denial of what was said. All, or even the report of the newspapers, all he said was they were in the territorial waters.

Now, there has been this general feeling around of 12 miles. We recognized 12 miles in Korea. We carefully recognized or at least we avoided going within 12 miles of Communist China, and if he said it, I think it was an inadvertence, because of the great

discussion that has been placed about North Korea and the *Pueblo*, and I regret it was said.

If Senator McCarthy, was quoted in the press report.

Secretary McNAMARA. Mr. Chairman, may I read it to Senator Symington? I would like him to know, if I may read it.

The CHAIRMAN. You can give it to him.

Secretary McNAMARA. Read the first two lines pencil barcketed, Senator Symington.

In view of the *Pueblo* case, in view of the controversy over whether we were or were not in territorial waters with the *Maddox* and the *Joy*, it was absolutely essential that that be corrected, and corrected quickly and precisely, and that is why the statement had to be released.

The CHAIRMAN. I see no objection to your saying you did not say it was in territorial waters.

NORTH VIETNAMESE CLAIM IS UNDERSTANDABLE

The exchange that Senator Pell read, it is quite clear that the North Vietnamese believed you were in territorial waters. They did not come right out and say, "Our 12-mile territorial waters," but if you were in the area which the record shows you were, they believed you were in their territorial waters. I have no way of knowing whether they never had expressed 12 miles. That requires research. I do not know whether your lawyers have done a complete research, and are positive that in the last 10 years they have never claimed 12 miles or not. That is a matter that has never been brought up before.

Actually there was an assumption, because of these other cases that 12 miles was what they claimed. We have not, the staff has not, had an oportunity to make any inquiry at all on that point.

But I think publication of your statement puts a great deal of pressure on the committee to release the transcript, and I do not propose, of course, to do it without action of the committee, but I think it does make it very difficult for us.

Senator GORE. Mr. Chairman, great reliance has been placed, the Secretary has placed great reliance, it seems to me, upon this unidentified, unimpeachable, highly classified source. Twice in his statement he has quoted that source as reporting something which the evidence does not support. So I do not know what the committee does now. I think we must plow forth and get to the full truth and make a report to the people.

The CHAIRMAN. I understood the Secretary to say to the Senator from Missouri that this highly classified information was not an absolutely essential basis for the decision. Even without those reports he would still have made the same decision, so that might make it easier to simply delete that evidence. I do not know.

Well, I do not know what the committee, in its wisdom, will decide to do. I certainly do not feel authorized to release the transcript. I do not propose to do it until the committee considers the matter. But I was just inquiring while the Secretary is here, as to what his attitude is toward releasing of the transcript.

Secretary McNAMARA. Mr. Chairman, after eliminating those particular aspects of it that would compromise our intelligence collection sources, I would be delighted to see it released.

WOULD DISCLOSURE JEOPARDIZE OUR SECURITY?

The CHAIRMAN. Mr. Secretary, I do not like to take issue with you, but it is awfully hard for me to believe that 3½ years after that this is of any significance to current security. It is just incredible. [Deleted.]

Secretary McNAMARA. Mr. Chairman, I am quite prepared to have this issue presented to the Foreign Intelligence Board and rely on their decision. I simply tell you that the intelligence, senior intelligence, directors of our Government, CIA, DIA, NSA, state categorically that it would be a serious compromise of intelligence sources.

I am quite prepared to have my acceptance of their statement judged and overridden by a decision of the Foreign Intelligence Board, and I will put it up to them if you wish.

The CHAIRMAN. Of course, you raise this very difficult question that confronts us all along, and it seems to me the executive branch takes the position that the Congress has no function to play in foreign relations and in making war; that we should do anything and everything that the executive——

Senator SYMINGTON. Mr. Chairman, if I may, when this question of the Tonkin Gulf episode came up I did suggest that we get somebody knowledgable [deleted] and have him come before the committee, so we could get an independent slant on what the damage might be. Frankly, I did not know what it was or would be.

We are losing 300 or 400 men a week now, and should be careful. I did make that suggestion, before the two Secretaries went on "Meet the Press" 3 or 4 weeks ago; and still think it then was a good suggestion. I would hope the Chair and the committee would give consideration, not as decisive, but as something that should be considered.

The CHAIRMAN. The Senator says he has not read it. But if he reads the Secretary's statement which has been released, it is quite definite, I think, to anyone [delete].

Senator SYMINGTON. I must say that was my impression when I just read it.

The CHAIRMAN. It is a highly classified source. That is the only thing it could mean [deleted] and for us to say it a second time does not seem to me to add anything to it [deleted].

Senator GORE. Mr. Chairman, it is nearly 7 o'clock.

The CHAIRMAN. I move we adjourn.

Senator GORE. I suggest you and the Secretary talk about this privately.

The CHAIRMAN. I move we adjourn.

Senator SYMINGTON. I second that motion.

Secretary McNAMARA. If you want my opinion, I agree with the chairman.

(Whereupon, at 6:50 p.m., the committee adjourned.)

THE GULF OF TONKIN, THE 1964 INCIDENTS

PART II

A. INITIAL EXCHANGE OF LETTERS AFTER FEBRUARY 20, 1968 HEARINGS

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 1, 1968.

Hon. CLARK M. CLIFFORD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: When Secretary of Defense McNamara appeared before the Committee on Foreign Relations on February 20, 1968, to review the incidents which occurred in the Tonkin Gulf in August 1964, he agreed to provide the following information for the record:

1. The exact number of American troops stationed in Vietnam at the end of 1963.

2. Whether recommendations were made by the Joint Chiefs of Staff to extend the war to North Vietnam.

3. The number and location of air units deployed to Southeast Asia between August 5, 1964, and February 1965.

4. Measures taken, if any, by American troops to prevent infiltration by North Korean troops into South Korea.

5. The status of the command and control report evaluating the Tonkin Bay incidents.

I enclose a copy of this testimony for your information. [Omitted here.]

In addition, could you provide me with the document referred to by Secretary McNamara in which North Vietnam, on September 1, 1964, declared that her territorial seas extend 12 miles.

I would also appreciate having the names and affiliations of all men aboard the *Maddox* in July and August 1964 who were not part of the regular crew.

I am grateful for your attention to this matter.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 4, 1968.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Clifford has asked me to reply to your letter of March 1, 1968. The following is provided in answer to the correspondingly numbered questions contained in your letter:

1. 16,263.

2. During the first part of 1964 prior to the Tonkin Gulf incidents of August, the Joint Chiefs of Staff examined several possible types of military action which might be brought against North Vietnam in order to deter that country from continuing its aggression against South Vietnam. Contingency planning for these actions was taken. However, no definitive recommendation for extending the war to the north had in fact been made by the Joint Chiefs of Staff.

3. See enclosure (1).

4. See enclosure (2).

5. The Chairman of the Joint Chiefs of Staff has again reviewed the status of the so-called command and control study to which your letter refers. He confirms the fact that this was an internal study and one of a series directed to the mechanics of the national military command system. It was not intended to be, nor does it constitute, a comprehensive evaluation of the incidents themselves. It was not prepared for review by the Chairman of the Joint Chiefs of Staff. As you have previously been informed, the author of the study did not have access to sources of information that would be essential to an overall evaluation of the incidents. In light of the foregoing, the study is not considered appropriate for dissemination outside the Department.

In response to your additional requests, enclosure (3) is an opinion by the Judge Advocate General of the Navy as to the breadth of the territorial sea claimed by North Vietnam. Paragraph 8 of that document and enclosure (2) thereto is the source of Secretary McNamara's statement as to the North Vietnamese "claim" made on September 1, 1964.

Enclosure (4) gives the names and affiliation (at that time) of all men aboard *Maddox* in July and August 1964, who were not part of the regular crew.

Sincerely,

PAUL C. WARNKE.

ENCLOSURE (1) TO LETTER FROM ASSISTANT SECRETARY WARNKE, APRIL 4, 1968

AIR UNITS MOVED TO SOUTH VIETNAM AND THAILAND BETWEEN TONKIN GULF INCIDENTS AND END OF FEBRUARY 1965

The chronology regarding the movement of air units to South Vietnam or Thailand between the Tonkin Gulf incident (August 4, 1964, and February 1965) is listed below:

August 4, 1964

(Dates authorized by the Secretary of Defense)

Type of Number of aircraft, beginning and destination

KB–50, 4 Yokota Air Base, Japan, Takhli Air Base, Thailand.

B–57, 36 Clark Air Base, Philippine Islands, Bien Hoa Air Base, South Vietnam.

F–100, 4 Clark Air Base, Philippine Islands, Takhli Air Base, Thailand.

RF–101, 2 Misawa Air Base, Japan, Tan Son Nhut Airfield, South Vietnam.

F–102, 6 Clark Air Base, Philippine Islands, Da Nang Airport, South Vietnam.

F–102, Clark Air Base, Philippine Islands, Takhli Air Base, Thailand, Tan Son Nhut Airfield, South Vietnam.

F–105, 18 Yokota Air Base, Japan, Korat Air Base, Thailand.

August 7, 1964

C–123, 16 CONUS, Tan Son Nhut Airfield, South Vietnam.

September 4, 1964

RB–57E, 2 CONUS, Tan Son Nhut Airfield, South Vietnam.

February 7, 1965

Vietcong attack Pleiku.

Flaming Dart I (reprisal strike) authorized by President. 49 7th Fleet aircraft attack Dong Hoi area north of DMZ.

February 8, 1965

COMUSMACV ordered redeployment of following air units as a precautionary measure against possible Vietcong reprisal attacks:

Type of Number aircraft, beginning and destination

F–100, 18 Da Nang, South Vietnam, Takhli, Thailand.

F–105, 12 Da Nang, South Vietnam, Korat, Thailand.

B–57, 10 Bien Hoa, South Vietnam, Clark Air Base, Philippine Islands.

February 9–28, 1965

No additional deployments.

ENCLOSURE (2) TO LETTER OF APRIL 4, 1968

COMPARISON OF 2D U.S. DIVISION AND ROK DIVISION, DMZ INCIDENTS AND CASUALTIES

1. Approximately three-fourths of the Korean DMZ firing incidents and nearly one-half of the DMZ firefights occurred in the 2d U.S. Division sector. Of 438 DMZ firing incidents during 1967, 359 occurred in the 1st U.S. Corps (GP) sector; 333 in the 2d U.S. Division zone. Of the total incidents 123 were actual firefights. Seventy-four of these were in the 1st U.S. Corps (GP) sector, 56 in the 2d U.S. Division.

2. The U.S. troops are involved in firing incidents much more frequently than the [deleted] ROK divisions deployed on the DMZ and U.S. casualties were higher than the average ROK DMZ division. During 1967, 16 U.S. troops were killed and 63 were wounded while the [deleted] ROK DMZ divisions suffered a total of 73 troops killed and 165 wounded in DMZ actions for an average of eight killed and 18 wounded per ROK division.

3. The 2d U.S. Division also accounted for more North Korean casualties than the average ROK division. Thirteen North Koreans were killed and two captured in the 2d U.S. Division sector while 75 North Koreans were killed by the [deleted] ROK DMZ division. It is impossible to determine the total number of infiltrators or the percent of those effectively neutralized.

4. There are several reasons accounting for the high level of activity in the 2d U.S. Division area. The division lies astride the main approach from North Korea to Seoul. This route is the shortest, has some of the best transportation lines, and flat terrain leading to Seoul. This area is therefore subject to many attempts to infiltrate agents into Seoul and deeper into Korea.

5. There is also political motivation for concentrating on the 2d U.S. Division. North Korea gains more by hurting and embarrassing an American unit than a ROK unit. These missions also serve to test U.S. reaction to North Korean hostilities, and to support Pyongyang's propaganda theme that the presence of U.S. troops in Korea is the cause of current tension [deleted].

6. [Deleted.]

ENCLOSURE (3) TO LETTER OF APRIL 4, 1968

MEMORANDUM FOR THE SECRETARY OF THE NAVY FROM THE OFFICE OF THE JUDGE ADVOCATE GENERAL, DATED FEBRUARY 1, 1968

Subject: North Vietnamese territorial waters.

Enclosure:

(1) DNI message to ALUSNA, Saigon, dated May 1, 1963.

(2) International law file note concerning foreign broadcast intercept service No. 42 of September 1, 1964.

(3) [Deleted.]

1. The following information is submitted concerning the breadth of the territorial sea claimed by North Vietnam.

2. During the period between acquiring independence from French control and the Tonkin Bay incident of August 1964, North Vietnam issued no public announcement of a new claim to a territorial sea broader than the 3-mile claim of the French. Enclosure (1) dated May 1, 1963 noted:

"According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Absence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of such a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to 12-mile limit claimed by other Communist nations if issue were raised."

3. When the Sixth Committee of the United Nations General Assembly approved a resolution calling for a conference to consider the International Law Commission's draft articles on the Law of the Sea to be held in the spring of 1958, the French delegate, Mr. Pinto, stated that France wanted to maintain its traditional position in favor of a 3-mile limit. Furthermore, the prepared study for the U.S. delegation to the Second United Nations Conference on the Law of the Sea (1960) listed France as claiming a 3-mile territorial sea and further stated that she desired the least possible extension via any compromise that may arise.

4. Cambodia, a state previously under French rule, stated that although Cambodia had no legislation of its own on maritime law drafted since gaining its independence, it applied the principles of French law. This statement was contained in a letter of April 2, 1956, from the Minister of Foreign Affairs, Cambodia, and appears in the American Journal of International Law, volume 50 on page 1044. This letter further stated that Cambodia follows the rule of French law, under which the territorial sea has a breadth of 3 miles. Parenthetically, it is noted that Cambodia subsequently has increased its territorial seas claim

5. It is a general principle of international law that the legal system of the former state remains in force in the territory of the succeeding state until modified by municipal legislation of the new sovereign or by the international conventions that have created the new state. The Geneva Accords are silent on the point of territorial seas, and as noted above North Vietnam has not made public any proclamation on this matter prior to the Tonkin Bay incident.

6. It is concluded therefore, that foreign states were entitled to rely on the application of the French claim of 3 miles in regard to the extent of the North Vietnamese claims to territorial sea limits. The fact that a sister successor state, Cambodia, publicly adopted the French 3-mile rule gives further justification to this reliance.

7. The United States was further free to rely on this position in view of the official announcement of the United States contained in the statement of Ambassador Arthur H. Dean, chairman to [sic] the American delegation to the Law of the Sea Convention in which he stated at the closing session of the 1958 conference in part as follows:

"We have made it clear that in our view there is no obligation on the part of states adhering to the 3-mile rule to recognize claims on the part of other states to a greater breadth of territorial sea. And on that we stand. (U.N. Conference on the Law of the Sea; Department of State Bulletin, June 30, 1958.)"

8. Even after the Tonkin incident, it is debatable whether Hanoi has made an official assertion sufficient to place other nations on notice of a 12-mile claim. Enclosure (2) reveals that Hanoi made a claim to 12 miles, on September 1, 1964, in a radio broadcast concerning the Tonkin incidents but no documentary substantiation of this claim appears to exist.

9. [Deleted.]

10. As a matter of fact, all Communist countries do not claim a 12-mile territorial sea. Examples are Cuba and Poland which claim 3 miles and Yugoslavia and Albania which claim 10 miles.

11. In summary, Indochina under French control had a 3-mile territorial sea. When North Vietnam became independent, it made no attempt to modify this 3-mile claim until after the Tonkin Bay incidents. Even following these incidents, North Vietnam has not officially promulgated a 12-mile claim, but only most informally indicates that it presently claims 12 miles.

WILFRED HEARN.

DIRECTOR, NAVAL INTELLIGENCE MESSAGE TO SAIGON, DATED MAY 1, 1963, (ENCLOSURE (1) TO MEMORANDUM FOR THE SECRETARY OF THE NAVY)

FM: DNI

To: Alusna Saigon.

Info: CINCPACFLT, North Vietnamese International Waters.

A. Your 010339Z (NOTAL).

1. According best information, DRV has not publicly proclaimed limits of territorial seas or baselines and points from which measured. Abesence of such proclamation possibly due fact DRV did not participate in 1958 or 1960 Conferences on Law of Sea. In absence of a proclamation, it is assumed they possess the 3-mile limit established by international law. However, there is good possibility DRV will subscribe to the 12-mile limit claimed by other Communist nations if issue were raised.

2. DRV and CHICOMS have two known agreements:

(*a*) "Maritime Transport Agreement" signed December 12, 1956, permits ships of both nations to use each others ports and facilities; gives preference to ships carrying goods and passengers; offers to exchange information on port facilities.

(*b*) Fishing agreement signed April 25, 1957, believed renewed in 1962, deals exclusively with exchange of mutual fishing rights.

INTERNATIONAL LAW FILE NOTE CONCERNING BROADCAST TRANSCRIPT SERVICE NO. 42 OF SEPTEMBER 1, 1964 (ENCLOSURE (2) TO MEMORANDUM FOR THE SECRETARY OF THE NAVY)

Vietnam (North) T. W. Claim

Foreign broadcast intercept service 42 of September 1, 1964. North Vietnam radio Hanoi stated concerning Gulf of Tonkin incident: "DRV declares the territorial sea is 12 miles."

[Deleted.]

ENCLOSURE (4) TO LETTER OF APRIL 4, 1968

MEN ABOARD THE "USS MADDOX" IN JULY AND AUGUST 1964, WHO WERE NOT PART OF THE REGULAR CREW

Name, rate, branch and duty station

Allaire, Matthew Brian, Sgt, USMC, First Composite Radio Co., Kaneohe Bay, Hawaii.

Atchison, Ronald Stephen, CT2, USN, Naval [deleted] Activity, Taipei, Taiwan.

Delaney, Samuel Warren, Sgt, USMC, Naval Communication Station, San Miguel, Philippines.

Bolton, Victor James, CT2, USN, Naval [deleted] Activity, Kamiseya, Japan.

Burdette, Harvey Nelson, CT2, USN, Naval [deleted] Activity, Taipei, Taiwan.

Dixon, Thomas Luvern, CT2, USN, Naval Communication Station, San Miguel, Philippines.

Gaughan, Thomas Anthony, Sgt, USMC, First Composite Radio Co., Kaneohe, Bay, Hawaii.

McMahan, Arthur Blane, Cpl, USMC, First Composite Radio Co., Kaneohe, Bay, Hawaii.

Moore, Gerrell Dean, Lt, USNR, Naval [deleted] Activity, Taipei, Taiwan.

Prouty, David Alexander, Cpl, USMC, Naval Communication Station, San Miguel, Philippines.

Stanton, James Harold, Cpl, USMC, First Composite Radio Co., Kaneohe Bay, Hawaii.

Zimbelman, Lyle, Jr., CT1, USN, Naval [deleted] Activity, Taipei, Taiwan.

Mitchell, Dennis Edward, CT1, USN, Naval Communication Station, San Miguel, Philippines.

De Courley, Charles D., CT2, USN, Naval Communication Station, San Miguel, Philippines.

O'Rourke, Richard L., CT3, USN, Naval Communcation Station, San Miguel, Philippines.

Bahm, Jack C., CT3, USN, Naval Communication Station, San Miguel, Philippines.

B. THE DEPLOYMENT OF AIR UNITS

During the February 20, 1968 hearing the Chairman asked General Wheeler to check whether the United States was considering sending air units to South Vietnam and Thailand prior to the Tonkin incidents. General Wheeler said he would check that particular point.

The following information was later supplied and included in the published version of the February 20 hearing:

"We have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents. A check of the records is continuing."

Subsequently the Joint Chiefs of Staff provided the following information on the further check of records:

AIR UNITS ALERTED FOR MOVEMENT TO SOUTH VIETNAM AND THAILAND PRIOR TO THE TONKIN GULF INCIDENTS

"The Joint Chiefs of Staff have not identified any air unit which had been alerted for movement into South Vietnam or Thailand prior to the Tonkin Gulf incidents."

C. TERRITORIAL SEAS

On the question of the territorial seas claimed by North Vietnam the February 1968 hearings contained the following text:

The CHAIRMAN. Mr. Secretary, why was the *Maddox* ordered to go within what the North Vietnamese believed to be their territorial waters and why, once the *Maddox* had received information that the North Vietnamese were in an uproar about the activities of the *Maddox*, did the ship not break off its patrol?

Secretary MCNAMARA. Mr. Chairman, as I explained earlier, the North Vietnamese had not claimed waters beyond 3 miles, so I do not think the question is pertinent.

Senator MORSE. Could I put in the record at that point, because I am confused about this—I take you back to page 24 of the May 24, 1966, executive hearings. The Chairman was examining Mr. John McNaughton and on the top of page 24 he first quoted from Secretary McNamara's testimony of August 6, 1964:

"As part of that, as I reported earlier to you this week, we understand the South Vietnamese sea force carried out patrol action around these islands and actually shelled the points they felt were associated with this infiltration. Our ships had absolutely no knowledge of it, were not connected with it, and in no sense of the word can be considered to have backstopped the effort."

Senator MORSE. That is the quote from Secretary McNamara. Now to quote the Chairman on May 24, 1966:

"First, I want to ask you: Had your ships within days before the incident gone within territorial limits recognized by North Vietnam?

"Mr. MCNAUGHTON. Within the 12-mile limit, Mr. Chairman.

"The CHAIRMAN. That is the territorial limit.

"Mr. MCNAUGHTON. I think that it is. If that is the case, the answer is 'Yes'.

"The CHAIRMAN. That had been the limit.

"Senator PELL. May I interject for a moment. Is 12 miles the territorial limit that we recognize?

Mr. MCNAUGHTON. No, sir, it is the one—the Chairman, I understood the Chairman to say territorial limits recognized by North Vietnam.

"Mr. [U. ALEXIS] JOHNSON. Claimed by North Vietnam.

"The CHAIRMAN. That is right. Many countries have different ones.

"Senator MCCARTHY. Texas claims the 12-mile limit.

"The CHAIRMAN. They vary, but they claimed 12 miles. But our ships had gone into it.

"Mr. MCNAUGHTON. Yes, sir; that is correct."

Senator MORSE. I still think it is a little vague, but we certainly—and in those hearings—asked the Defense Department if they were within the 12-mile limit.

You now say they did not claim the 12-mile limit, and we were advised they did.

Secretary MCNAMARA. Senator, if I understood, the testimony you read from were the hearings of May 24, 1966.

Senator MORSE. That is right.

Secretary MCNAMARA. I do not believe during the hearings of 1964 any of us stated that North Vietnam claimed a 12-mile limit. I believe further that it is rather ambiguous in the testimony you read as to whether it was Mr. McNaughton or the Chairman who was stating North Vietnam claimed the 12-mile limit; but to the extent Mr. McNaughton either stated or acquiesced in the Chairman's statement of it, he was wrong.

As a supplement to this report the committee includes the following excerpt on the matter of 1964 "assumptions" as to North Vietnam's territorial seas taken from an interview with the Honorable Cyrus Vance who was Deputy Secretary of Defense in August of 1964. This excerpt contains an exchange over the question of North Vietnamese territorial seas between Secretary Vance and Richard Fryklund of the Washington Evening Star. The interview took place over the Voice of America on Saturday, August 8, 1964 (one day after Senate approval of the Southeast Asia Resolution).

RICHARD FRYKLUND. Is there any dispute about the Tonkin Gulf being international waters? Do, for instance, Communist China and North Vietnam claim the gulf as their territorial waters?

Secretary VANCE. Not to my knowledge. I think that they do claim a 12-mile limit as opposed to a 3-mile limit, but there is no claim that the Gulf of Tonkin is territorial waters.

RICHARD FRYKLUND. Does the United States recognize the 12-mile limit?

Secretary VANCE. No, it does not. The United States recognizes 3 miles as the territorial limit.

RICHARD FRYKLUND. Do our naval units ever sail closer than 3 miles to the shore?

Secretary VANCE. They do not.

RICHARD FRYKLUND. Are they under specific orders not to?

Secretary VANCE. They are.

JACK RAYMOND. Well, the real issue here is, I think, do they sail closer than 12 miles?

Secretary VANCE. They have sailed——

JACK RAYMOND. They have.

Secretary VANCE. Sailed closer than 12 miles.

D. SUBSEQUENT EXCHANGE OF LETTERS

MAY 29, 1968.

Hon. CLARK M. CLIFFORD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Over the past few weeks the staff of the Foreign Relations Committee has been assembling what will become the final record of the Gulf of Tonkin hearing with former Secretary of Defense McNamara on February 20, 1968. This process involves the final submission by the Department of Defense of material for the record asked for by the committee during the hearing and not available at the time the transcript was published.

One such piece of unfinished business was brought to my attention last week. This concerns the interrogation reports of North Vietnamese naval officers. After reviewing the records and examining the inserts submitted by the Defense Department on May 6, I wish to bring to your attention what I believe to be an important and disturbing discrepancy between the published record and the documentation offered on May 6 to support Mr. McNamara's statement now in the public transcript.

The apparent discrepancies I refer to below may simply be a matter of misinterpretation on the part of the committee staff or an oversight on the part of your staff. Whatever the circumstances, I feel it is necessary to clarify the issue and set the record straight if indeed there are discrepancies.

The point at issue is the relative weight the public should give to two interrogation reports of two North Vietnamese naval officers captured by U.S. forces. These two naval officers had knowledge of the August 4 incidents in the Gulf of Tonkin.

The record of February 20 shows [pp. 74–75] that I introduced into the record the text of an official U.S. Navy interrogation report on a North Vietnamese naval officer captured by U.S. forces in 1966. This naval officer stated after his capture by U.S. forces that the North Vietnamese had indeed attacked the U.S.S. *Maddox* on August 2, but there was no attack on August 4 of the U.S.S. *Maddox* and the U.S.S. *Turner Joy*. The interrogation report I quoted, stated in part:

"Extensive interrogation of all potentially knowledgeable sources reveals that they have no information concerning a NVN attack on U.S. ships on 4 Aug. 1964. They say definitely and emphatically that no PT's could have been involved * * * possibility that Swatows could have committed the August 4 attack has also been carefully explored. Here again, however, all sources disclaimed knowledge of such an attack."

Because the Department of Defense had sent this interrogation report to the committee at my request, Mr. McNamara chose to refute this testimony in the following way:

"As a final point on this issue, U.S. naval forces in the 3½ years which have elapsed since the August 1964 incidents have captured several North Vietnamese naval personnel. These personnel were extensively interrogated. One of these, captured in July 1966, stated he had taken part in the Au-

gust 2, 1964, attack on the *Maddox*, and his account of the attack coincided with our observations. He professed no knowledge of the August 4 attack and said that he believed that PT boats were not involved in that attack. He stated that Swatows could have been used for that attack. His disclaimer of PT participtaion is contradicted by information received from a later captive. A North Vietnamese naval officer captured in July 1967 provided the name of the commander of a PT squadron. In intelligence reports received immediately after the August 4 attack, this commander and his squadron were identified by name and number as participants."

When I raised the question with Mr. McNamara as to why the committee was not given the information that the Department of Defense had knowledge of an interrogation report of another prisoner taken in 1967, Secretary McNamara replied:

"I must say I wish we had. We would have avoided some of the controversy because the testimony of a 1966 prisoner was not nearly as comprehensive or as illuminating on the participation by North Vietnam in the August 4 attack as was the testimony of the prisoner of July 1967 which, I think, came to light only within the past few days."

At my request, the Department of Defense on May 6 provided the committee with the interrogation report Mr. McNamara described as the basis of this "comprehensive" "illuminating" report on the 1967 prisoner. It is important to point out that this second interrogation report in Mr. McNamara's opinion contradicts the information received from the earlier captive and adds substantial proof to the Defense Department's contention that the August 4 attack had actually taken place. The May 6 inserts state that the 1967 prisoner was a "senior captain in the NVN Navy and that he provided the new and important information of the identity of a North Vietnamese commander and his squadron. Again according to the insert of May 6, the identity of this commander "was a mystery, since it is an uncommon name." Fitting this new information in with what Mr. McNamara described as "intelligence reports of a highly classified and impeachable nature" the Department of Defense contends it now has additional proof not only that the attack took place but the prior testimony of the naval commander whose testimony was used by the committee was wrong.

The staff of the Foreign Relations Committee has now read the 1967 interrogation report and the letter of enclosure, and compared this information with the large study of the interrogation of the 19 North Vietnamese Navy personnel taken in 1966. I invite you to comment on the accuracy of the following conclusions drawn from the comparisons of these two texts:

(1) The name of the commander of the torpedo boat battalion was not a "mystery" until 1967. The July 1966 report from which the committee drew its own information contains the name of the commander of the torpedo squadron in question. Thus, this information was available to the Department of Defense long before the second interrogation report.

(2) The source of the second report Secretary McNamara made so much of was indeed a senior officer in the North Vietnamese Navy. However, he was in the political cadre in the naval headquarters, and according to the Defense Department's own report "had no knowledge of navigational methods and/or naval tactics." Moreover, despite the emphasis given to his second interrogation report given by Secretary McNamara the source never said that there had been an attack on August 4. The entire contribution of the second source was to give the Department of Defense the name of a man already known. Therefore, the second report added nothing substantial to the Defense Department's case.

(3) What the material provided on May 6 does not contain is that the officer who was second in command of the squadron mentioned in the second interrogation report was the naval officer whose testimony the Foreign Relations Committee used on February 20. And this officer said that there was no attack on August 4.

In sum, I can see nothing in the material provided on May 6, which in any way contradicts the information used by the committee. Moreover, I find the Defense Department's contention that this second interrogation report provides comprehensive and illuminating information on the August 4 attack as totally without foundation.

I would appreciate it if you would ask your staff to review the May 6 information in light of Mr. McNamara's testimony of February 20 and the interrogation reports provided the committee dated August 9, 1966.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 17, 1968.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Clifford has asked that I reply to your letter of May 29, 1968, concerning apparent discrepancies between the published Gulf of Tonkin hearing report and the documentation, provided you by the Department of Defense on May 6, 1968, supporting Mr. McNamara's statements at the February 20, 1968, open hearings (and again in closed session).

Reexamination of the NVN PT boat exploitation report shows that the discrepancy noted in your letter was a result of an oversight in the Department of Defense due to changes in cognizant personnel, through normal duty rotation, from 1964 to 1968.

As you know, the interrogation of the 19 NVN naval personnel, captured in July 1966, was initially reported in 91 SITREPS (copies of which were provided to you as enclosure (1) of SECNAV's letter dated December 18, 1967). The SITREPS, which did not contain the name of [deleted] were processed by personnel who were primarily concerned with identifying intelligence of tactical value. These personnel had not been directly involved in the 1964 incidents and were not directed to look for information correlating with those events. When the finalized interrogation report became available in August of 1966 the significance of the name [deleted] was overlooked among 150 NVN naval personalities listed. From that time until the initiation of your November 16, 1967, inquiry, there was no Department of Defense requirement to review material on the 1964 incidents.

As a result of the Senate committee's recent inquiry into the Tonkin Gulf incidents, it was necessary for personnel who had no close familiarity with the 1966 interrogations to research the files and become familiar with all the data. The later interrogation report, based on a 1967 capture, which mentioned the name of [deleted] (enclosure (1) of my letter of May 6, 1968) did not come to the attention of these personnel until early January 1968. The key point of this new report was not the source's own knowledge of the events of August 1964, but the fact that he identified [deleted] as the individual mentioned in the sensitive evidence which was shown to you and Senator Russell by Secretary Nitze on December 14, 1967, but which was not made available to your staff because of classification. This information provided the basis for Mr. McNamara's statements on February 20, 1968, and was indeed illuminating as it was the first time that any one familiar with the [deleted] message of [deleted] mentioning the name [deleted] had been furnished with information identifying that individual. The listing of [deleted] name in the final report of the interrogations of 1966 was not noted within the Department of Defense until mentioned in your letter of May 25, 1968.

I hope that this information will satisfactorily respond to the questions that you have raised.

Sincerely,

PAUL C. WARNKE.

SELF-DETERMINATION OF THE BALTIC PEOPLES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. YATRON. Mr. Speaker, it is with great concern that I urge the U.S. President to bring the issue of the liberation of the Baltic States before the United Nations. This action is requested pursuant to House Concurrent Resolution 416—89th Congress—unanimously passed by the House and the Senate, which urges the President to bring the Baltic States' question before the United Nations and requests the Soviet Union to withdraw from Lithuania, Latvia, and Estonia.

I insert House Concurrent Resolution 416—89th Congress—and the paper entitled "Self-Determination of the Baltic Peoples" in the RECORD:

SELF-DETERMINATION OF THE BALTIC PEOPLES

RED TERROR IN LITHUANIA, LATVIA AND ESTONIA

The Soviet Union invaded the Baltic States on June 15, 1940, and took over Lithuania, Latvia, and Estonia by force of arms. These three peace-loving republics have been suffering in Russian-Communist slavery for more than 30 years.

At a time when the Western Powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia, and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians, and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia, and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died of suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one-fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters have lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

This year marks the 30th anniversary of Lithuania's successful revolt against the Soviet Union. During the second part of June of 1941 the people of Lithuania succeeded in getting rid of the Communist regime in the country: freedom and independence were restored and a free government was reestablished. This free, provisional government remained in existence for more than six weeks. At that time Lithuania was overrun by the Nazis who suppressed all the activities of this free government and the government itself.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithuania, Latvia, and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House Committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

The United States Congress has made a right step into the right direction by adopting H. Con. Res. 416 (89th Congress) that calls for freedom for Lithuania and the other two Baltic republics—Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this very important legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union, is surely intolerable.

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the first and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

COMPREHENSIVE NOISE CONTROL

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BRASCO. Mr. Speaker, hearings are being held this week by the Subcommittee on Public Health and Environment of the Committee on Interstate and Foreign Commerce to consider legislation to effect noise abatement.

As I am strongly in favor of this legislative package, I wish to have the testimony I presented to the subcommittee included in the RECORD at this time.

The testimony follows:

Mr. Chairman, we will have all become aware of air, water and thermal pollution. Now the time has come to turn our attention to the growing intrusion of yet another form of pollution that erodes the quality of life as surely as any of the others. Noise pollution can and does harm people as surely as any illness that medicine has yet diagnosed.

It is conceivable that excessive noise can act as a triggering agent for physical ailments such as ulcers and allergies, as well as for mental illness. Emotional well-being can be terminated by growing noise levels. The time has come for real attention and legislative action to blunt this threat, which grows daily.

Our daily decibel diet of horns, sirens, motorcycles, garbage trucks, typewriters, jackhammers, air compressors and a series of other noise-producing machines is rapidly approaching the intolerable in major metropolitan areas. One recent survey showed that the average decibel reading for a New York City street corner at rush hour is 95. Many medical experts believe that continuous exposure to anything above 85 can cause hearing loss. A Federal study indicates that environmental noise is doubling every decade. So far, the efforts to fight this have been few and relatively ineffectual, except in the case of some jet aircraft noise.

Yet the fault must be singled out and described. We live by a technology that prizes mechanical over human considerations. Industrial manufacturers can design products to minimize noise. People are awakening to the realization that they do not have to helplessly tolerate such assaults upon their persons without striking back.

The City of New York has been taking the lead in the struggle against noise. Already its efforts are bearing fruit. Yet this is merely a beginning. Major comprehensive legislative action is required. For all these reasons I vigorously support and enthusiastically endorse a package of anti-noise legislation introduced by my colleague, Mr. Ryan of New York.

One measure fully funds the Office of Noise Abatement and Control created by the Clean Air Act Amendments of 1970. A $30 million authorization was provided for. No funds have been provided up to now.

A second measure broadens the functions and responsibilities of this office. It would be able to make grants in the anti-noise field. Research and demonstration projects would also be authorized. Noise standards could then be established for any class of products found hazardous. Federal programs relating to noise would be coordinated.

Another measure provides for identification of noise-producing machinery. The fourth bill amends the Occupational Safety and Health Act to set noise standards in industry in order to ensure the health of workers presently exposed to intolerable levels of noise. In this case, an 80 decibel limit for prolonged exposure to this type of noise.

All of these measures are sensible, necessary and reasonable. True sound deadening will cost money. Any such improvement must bear a price tag. Yet it is impossible to evade the necessity for such action any longer. The quality of life is not just a phrase. People require their quiet times just as they do other forms of sustenance.

Further, noise, like other forms of pollution, knows no boundaries. It usually crosses any and all political boundaries as if they were nonexistent. For this reason, as well as the others I have already alluded to, anti-noise measures are a proper area for Federal interest and action.

Metropolitan areas in particular are affected. As noise levels within them escalate, life becomes increasingly intolerable for their residents. As this is an urban nation, once again the need for swift Federal action is obvious. I believe that the Congress must involve itself swiftly and comprehensively before the situation becomes even worse.

An excellent precedent was set by the Congress in the recent decisions to withdraw further Federal funding for the SST. Prominent among the arguments advanced by foes of the aircraft was the sonic boom problem. People will not tolerate such an increase in noise levels.

By enacting this comprehensive package of legislation, we move ahead on various fronts, ranging from research and grants to identifying noise polluting devices and setting industrial noise standards. I urge approval of this legislation by the Committee.

SENSITIVITY TRAINING IN THE ARMY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. RARICK. Mr. Speaker, the Army has now adopted a new dimension—not training to repel an enemy but sensitivity training to brainwash its own troops—a collectivist cell, group activity.

Sensitivity training, in spite of mounting evidence as to it harmful effects, continues to be promoted for use in many youth groups and sometimes on a mandatory basis in certain public schools, police departments, and other government agencies.

While it is claimed that the goals of sensitivity training or group criticism are openness of communication, elimination of prejudice, trust, and love, it has been proven that a breakdown in communication, fear, mistrust and hatred too often result from such a practice.

The Army is now using sensitivity training on its troops in a futile effort to promote racial equality, brotherhood, tolerance, and love.

In an article in Army Times of June 16, Sp4c. John McMichael tells about a sensitivity training program in which soldiers of the 3d Infantry Division in Germany are involved.

I insert the Army Times article at this point:

SENSITIVITY TRAINING OPENS MINDS IN 3D DIVISION

(By Sp4 John McMichael)

SCHWEINFURT, GERMANY.—Reach out and touch another man.

Tell him what you think about him and the color of his skin and then listen to what he has to say about you. Begin to understand.

Twenty-four 3d Inf Div soldiers who participated in recent sensitivity training designed to promote racial harmony here claim this method works. Divided into groups, they spend 2½ days of "meaningful communication" at Ledward Barracks Education Center.

"The experience was definitely thought-provoking," said PFC Thomas Witchey, HHC, 1st Bde. "It gave us many insights which were previously nonexistent or just blurred.

"And there was a feeling of good will all around."

"I communicated with the members of the group on a level I'd never achieved with the men in my battalion," said 1st Lt. Nicholas Temple, 2d Bn, 64th Armor, who considers the program "a must for officers."

"I learned a great deal that I feel will help me in leading the men," he said.

The training was led by Jack Peters, former Aschaffenburg education director who has been conducting General Education Development (GED) sensitivity sessions in the 3d Div area for about eight months. It involves an encounter group—in this case, a dozen soldiers dressed in civilian clothes and sitting in a circle.

After introducing themselves, the men broke into biracial pairs and one at a time each individual closed his eyes and felt his partner's head and face. The consensus was "I just touched another man. There was no difference."

One man was then selected to stand in the center of the circle and ask another man to join him. He asked him why he had come to the meeting, what he thought about the group, how he felt about standing in the center. This continued until everyone had a chance to be in the middle and question someone.

With the group better acquainted, this process was repeated, except this time the man in the center expressed any negative feelings he had toward the individual he selected. In this way, the members got a glimpse of what they really thought of each other.

Anyone who had been quiet up to this time was then chosen to stand in the center and the entire group stated their feelings toward him and gave him a chance to talk back. The group tried to show the man they were interested in him.

Finally, each person walked around the group. Looking each member in the eye and without using words, he tried to convey his feelings toward that man with gestures.

At the session's end, the men discussed what had occurred.

"I was nervous when we started but as things progressed I became familiar with the other group members. I learned a lot about myself and others," said Sp4 Leonard Crump, HHC, 1st Bde.

"After awhile, you realize that if you put yourself wholly into the program, you gain a tremendous understanding of other people's feelings."

MSgt. Andrew Moses, 2-64th Armor, said: "The program gave me a feeling of confidence and trust in my fellow man. Now, I go out and really talk to my neighbors. I'm actually concerned about how they feel."

Several of the group members expressed a willingness to lead or join in future groups. Sp4 John Yaegerhof, HHC, 1st Bde., said: "I'd like to extend this opportunity for a wonderful experience to others."

Further GED sensitivity training is planned at Ledward, said Floyd Exeter, Schweinfurt educational director. The program has been going on for several months in Aschaffenburg where men of the 1st Bn, 4th Inf, and 1st Bn, 7th Inf are experiencing the sessions squad by squad.

A SUMMARY OF THE PROVISIONS OF H.R. 1, SOCIAL SECURITY AMENDMENTS OF 1971

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GOLDWATER. Mr. Speaker, there have been many questions raised about our burgeoning welfare system. I present a summary of the provisions of H.R. 1 which outlines some of the major features of the bill:

SUMMARY OF PROVISIONS—H.R. 1 SOCIAL SECURITY AMENDMENTS OF 1971, AM.

Provisions relating to the social security cash benefits program:

1. Five percent increase in benefits effective June 1972.

2. Automatic benefits increase: Social Security benefits would be automatically increased according to the rise in the cost of living. Increases could occur only once a year, provided that the Consumer Price Index increased by at least 3 percent and that legislation increasing benefits had not been enacted or become effective in the previous year. Social Security contribution and benefit base would accordingly be automatically increased according to the rise in average wages covered under the Social Security program (if wage levels had gone up sufficiently). Also, in any year in which an automatic benefit increase becomes effective, the exempt amount under the retirement test would be automatically increased by the same percentage. First possible increase effective January 1973.

3. Special minimum benefit: A special minimum benefit would be provided for people who worked for 15 or more years under Social Secrurity. The benefit would be equal to $5 multiplied by the person's years of coverage under the Social Security system, up to a maximum of 30 years. The highest minimum benefit under this coverage would be $150 for a person with 30 or more years of coverage. The special minimum would not be raised under the automatic benefit increase provisions. Effective January 1972. 500,000 people would increase their benefits and $60 million in additional benefits would be paid the first full year.

4. *Increased widow's and widower's insurance benefits:* Widows or widowers (including those already on the rolls) would be entitled to benefits equalling 100 percent of the amount the deceased would be receiving if still living. Benefits applied before age 65 would be reduced according to the widow's age at the time of application. Effective January 1972. 3.4 million people would receive increased benefits on the effective date, and $728 million in additional benefits would be paid in the first full year.

5. *Increased benefits for those who delay retirement beyond age 65:* A worker's old-age benefit would be increased by 1 percent for each year (1/12 of 1 percent for each month) in which the worker does not receive benefits because he is working after age 65. No increased benefits would be paid under the provision to the worker's dependents or survivors. Effective based on earnings after 1970. 400,000 people would receive increased benefits; $10 million the first full year.

6. *Age-62 computation point for men:* Under present law, the method of computing benefits for men and women differs in that years up to age 65 must be taken into account in determining average earnings for men, while for women only years up to age 62 must be taken into account. Also, benefit eligibility is figured up to age 65 for men and up to age 62 for women. Under the bill, these differences, which provide special advantages for women, would be eliminated by applying the same rules to men as now apply to women. Effective in three annual steps, becoming fully effective for men reaching 62 in 1974 and after. $6 million in additional benefits would be paid in the first full year.

7. *Additional dropout years:* One additional year of low earnings—in addition to the five years dropped under present law—for each 15 years of covered work could be dropped in computing the average month-

ly wage on which benefit amounts are based. Benefits based on the earnings of people who reach age 62 or die after 1971, or whose first month of entitlement to disability insurance benefits is after December 1971. $16 million in additional benefits would be paid in the first full year.

8. *Computation of benefits based on combined earnings:* A working married couple each of whom had at least 20 years of covered earnings under the program after marriage could have their earnings for each year combined up to the maximum amount of taxable earnings for that year. If they elected to have their earnings combined, each member would receive a benefit equal to 75 percent of the benefit based on their combined earnings. Payments to the surviving spouse based on the combined earnings would continue at the 75 percent rate. The provision would be an alternative to the present law, and would apply only if higher payments would result. Effective only for people who attained age 62 in or after January 1972.

9. *Liberalization of the retirement test:* The amount that a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year would be increased from the present $1,680 to $2,000. The bill would provide for a $1 reduction for each $2 of all earnings above $2,000; there would be no $1-for-$1 reduction as under present law. Also, in the year in which a person attains age 72 his earnings in and after the month in which he attains age 72 would not be included as under present law, in determining his total earnings for the year. Effective after 1971. Additional benefits amounting to $484 million would be paid in the first full year.

10. *Reduced benefits for widowers at age 60:* Widowers under age 62 could be paid reduced benefits (on the same basis as widows under present law) starting as early as age 60. Effective January 1972.

11. *Childhood disability benefits:* Childhood disability benefits would be paid to the disabled child of an insured retired, deceased, or disabled worker, if the disability began before age 22, rather than before 18 as under the present law. In addition, a person who was entitled to childhood disability benefits could become re-entitled if he again becomes disabled within 7 years after his prior entitlement to such benefits was terminated. Effective January 1972, 13,000 additional people would become immediately eligible for benefits on the effective date, and $14 million in additional benefits would be paid in the first full year.

12. *Continuation of student's benefits through end of semester:* Payment of benefits to a child attending school would continue through the end of the semester or quarter in which the student (including a student in a vocational school) attains age 22 (rather than the month before he attains age 22) if he has not received, or completed the requirements for, a bachelor's degree from a college or university. Effective January 1972. 55,000 students would have their benefits continued beyond age 22, and $16 million in additional benefits would be paid, in the first full year.

13. *Wage credits for members of the uniformed services:* Present law provides for a social security noncontributory wage credit of up to $300, in addition to contributory credit for basic pay, for each calendar quarter of military service after 1967. Under the bill, the additional noncontributory wage credits would also be provided for service during the period January 1957 (when military service came under contributory social security coverage) through December 1967. Effective January 1972. 130,000 additional people would receive larger benefits on the effective date, and $39 million in additional benefits would be paid in the first full year.

14. *Reduction in waiting period for disability benefits:* The present 6-month period throughout which a person must be disabled before he can be paid disability benefits would be reduced by one month (to 5 months). Effective January 1972, 950,000 people would receive increased benefits, and $105 million in additional benefits would be paid, in the first full year.

Provisions relating to medicare, medicaid, and maternal and child health:

1. Extending health insurance protection to disabled beneficiaries: Health insurance protection under XVIII would be extended to persons entitled to monthly cash benefits under the social security and railroad retirement programs because they are disabled, after they have been entitled to disability benefits for at least two years. Effective July 1972. About 1.5 million disabled social security and railroad beneficiaries would be eligible for both hospital benefits and physician coverage under medicare. About $1.85 billion in benefits would be paid on behalf of disabled beneficiaries in the first full year of the program.

2. Hospital insurance for the uninsured: People reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical insurance part of medicare. Those who enroll would pay the full cost of the protection—$31 a month at the beginning of the program—rising as hospital costs rise. States and other organizations, through agreements with the Secretary, would be permitted to purchase such protection on a group basis for their retired (or active) employees age 65 or over. Effective January 1972.

3. Amount of supplementary medical insurance premium: The supplementary medical insurance premium will be determined as under present law for months through June 1972 ($5.30 through June 1971 and $5.60 from July 1971 through June 1972.) Thereafter, the Secretary of Health, Education, and Welfare would, as under present law, determine and promulgate for each year a monthly enrollee premium for both aged and disabled. However, the enrollee premiums would be increased only in the event of the enactment of legislation providing for a general benefit increase or in the event of an automatic general benefit increase. In any given year, the premium would rise by no more than the percentage by which cash benefits had been increased across the board in the interval since the premium was last increased. The premium amount paid by the beneficiary would never exceed one-half of total program costs. Effective July 1972.

4. Change in supplementary medical insurance deductible: The Medicare part B deductible, currently $50 per year, would be increased to $60. Effective January 1972.

5. Automatic enrollment for supplementary medical insurance: People entitled to hospital insurance benefits would be automatically enrolled and covered for supplementary medical insurance benefits unless they indicate they do not want to be enrolled for such coverage. Effective January 1972.

6. Incentives for comprehensive care under medicaid: Incentives would be created for States to contract with health maintenance organizations or similar facilities. At the same time, disincentives would be provided to discourage prolonged stays in institutions. Specifically, there would be—

(a) an increase of 25% (up to maximum of 95%) in the Federal Medicaid matching percentage to States under contract with HMO's or other comprehensive health care facilities;

(b) a decrease in the Federal medical assistance percentage by one-third after the first 60 days of care in a general or TB hospital;

(c) a reduction in the Federal percentage by one-third after the first 60 days of care in a skilled nursing home unless the State establishes that it has an effective utilization review program;

(d) a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after 275 additional days of such care during an individual's lifetime except that the 90-day period may be extended for an additional 60 days if a doctor certifies that the patient will benefit therapeutically from such an additional period of hospitalization; and

(e) authority for the Secretary to compute a reasonable cost differential for reimbursement between homes and intermediate care facilities. Effective July 1, 1971, except that the reasonable cost differential provision would be effective January 1, 1972.

7. Determination of payments under medicaid: Families eligible for cash assistance would have a deductible under medicaid equal to one-third of the family's earnings above $720 (after deducting the earnings of school children and any costs of required child care) less the difference between the medicaid standard and the payment standard, if any, in that State. All States would be required to impose such a deductible. Any family with income below the State medicaid standard would be eligible for medicaid assistance. Effective July 1972.

8. Limits on costs recognized as reasonable: The Secretary of Health, Education, and Welfare would be given authority to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparisons of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are found necessary to the efficient delivery of needed health services except in the case of an admission by a physician who has a financial interest in the facility). Effective July 1972.

9. Limits on prevailing charge levels: Physicians' charges determined to be reasonable under the present criteria in the medicare, medicaid, and maternal and child health law would be limited by providing: (a) that after December 31, 1970, medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the calendar year elapsing prior to the start of the fiscal year; (b) that for fiscal year 1973 and) thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicans and in earnings levels; and (c) that for medical supplies, equiment, and services that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lowest levels at which such supplies, equipment, and services are widely available in a locality.

10. *Limits on skilled nursing home and intermediate care facility costs*: The average per diem costs for skilled nursing homes and intermediate care facilities countable for Federal financial participation under medicaid would be limited to 105 percent of such costs for the same quarter of the preceding year. Increases resulting from higher labor costs due to minimum wage legislation would not count in computing the cost figure. EFFECTIVE JANUARY 1, 1972.

1. *Payments to health maintenance organizations*: Medicare beneficiaries could choose to have all covered care, except emergency services, provided by a health main-

tenance organization (a prepaid group health or other capitation plan). The Department of Health, Education and Welfare would contract with such organizations, and would reimburse them on a monthly per capita basis at a rate equivalent to 95% of the estimated per capita costs of medicare beneficiaries in the area who are not enrolled in such organizations. Profits accruing to the organization, beyond its retention rate for nonmedicare members, would be passed on to the medicare enrollees in the form of expanded benefits. EFFECTIVE—Accounting periods beginning after JUNE 30, 1971.

12. *Reductions in care and services under medicaid*: The states would be permitted to eliminate or reduce the scope and extent of health services which are optional under the Federal medicaid statute, e.g., outpatient drugs, eyeglasses and dental care. States would have to provide the same dollar amounts for their required health services.

13. *State determinations of reasonable hospital costs under medicaid*: States would be allowed to develop methods and standards for reimbursing the reasonable cost of inpatient hospital services. Such costs could not exceed medicare rates. EFFECTIVE July 1. 1972.

14. *Physical therapy and other therapy services under medicare:* Under medicare's supplementary medical insurance program, up to $100 per calendar year of physical therapy services furnished by a licensed physical therapist in his office or the patient's home under a physician's plan would be included in covered charges. Hospitals and extended care facilities could provide physical therapy services under part B to inpatients who have exhausted their days of hospital insurance coverage. Effective January 1972.

15. *Grace period for paying medicare premium:* Where there is good cause for a medicare beneficiary's failure to pay supplementary medical insurance premiums, an extended grace period of 90 days would be provided.

16. *Three-year limitation on medicare enrollment dropped:* Eligible beneficiaries would be permitted to enroll under medicare's supplementary medical insurance program during any prescribed enrollment period. Beneficiaries would no longer be required to enroll within 3 years following first eligibility or a previous withdrawal from the program.

17. *Collection of medicare premium by the railroad retirement board:* Where a person is entitled to both railroad retirement and social security monthly benefits, his premium payment for supplementary medical insurance benefits would be deducted from his railroad retirement benefit in all cases. The Railroad Retirement Board is given authority to choose the carrier for part B benefits for its beneficiaries.

18. *Chiropractors' services:* The Secretary of Health, Education, and Welfare would conduct a study of the desirability of covering chiropractors' services under medicare, utilizing the experiments and experience under the medicaid program. A report on the study, including the experience of other programs paying for chiropractors' services, would be submitted to the Congress within 2 years after enactment of the bill.

In order to finance the changes in the OASDHI program as amended by the bill, the limit on taxable earnings would be increased to $10,200 effective January 1972.

PROVISIONS RELATING TO ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

The existing Federal-State programs of aid to the aged, blind, and permanently and totally disabled would be repealed, effective July 1, 1972, and a new, totally Federal program would be effective on that date. The new national program is designed to provide financial assistance to needy people who have reached age 65, or are blind or disabled and would be established by a new Title XX of the Social Security Act. The program would be administered by the Social Security Administration through its present administrative frame work and facilities.

1. *Eligibility for and amount of benefits:* The Secretary would establish the circumstances under which gross income from a trade or business, including farming, is large enough to preclude eligibility (net income notwithstanding). In addition, people who are in certain public institutions, or in hospitals or nursing homes getting medicaid funds, would be eligible for benefits of up to $25 a month. People who fail to apply for annuities, pensions, workmen's compensation, and other such payments to which they may be entitled would not be eligible.

2. *Definition of income:* In determining an individual's eligibility and the amount of his benefits, both his earned and unearned income would have to be taken into consideration. The definition of earned income would follow generally the definition of earnings limitation of the social security program.

3. *Exclusions from resources:* Individuals or couples cannot be eligible for payments if they have resources in excess of $1,500. The following items would be excluded from resources:

(a) The home to the extent that its value does not exceed a reasonable amount.

(b) Household goods and personal effects not in excess of a reasonable amount.

(c) Other property which is essential to the individual's support (within reasonable value limitations).

(d) Life insurance policies (if their total face value is $1,500 or less). Other insurance policies would be counted only to the extent of their cash surrender value.

4. *Rehabilitation services:* Disabled and blind beneficiaries would be referred to State agencies for vocational rehabilitation services. A beneficiary who refused without good cause any vocational rehabilitation services offered would not be eligible for benefits.

3. *Optional State supplementation:* A State which provides for a State supplement to the Federal payment could agree to have the Federal Government make the supplemental payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments, the State would pay all of such costs. States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill. The Federal government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

PROVISIONS RELATING TO FAMILY PROGRAMS

The present program of aid to families with dependent children (AFDC) would be repealed effective July 1, 1972, and two new totally Federal programs would take effect on that day. The new programs would be adopted for a period of five years (through fiscal year 1977) in order to give Congress an opportunity to review their operation before continuing them in subsequent years. The new programs would be established by a new Title XXI in the Social Security Act. A description of the two new programs follows:

Families in which at least one person is employable would be enrolled in the Opportunities for Families Program, administered by the Department of Labor. Families with no employable person would be enrolled in the Family Assistance Plan administered by the Department of Health, Education, and Welfare.

A. Opportunities for families program:

1. *Registration for employment and training:* Every member of a family who is found to be available for work by the Secretary of Health, Education, and Welfare would be required to register for manpower services, training and employment.

Every person who registered (other than a volunteer) would be required to participate in manpower services or training and to accept available employment. An individual could not be required to accept employment however—

(a) If the position offered is vacant due to a strike, lockout, or other labor dispute;

(b) If the wages and other employment conditions are contrary to those prescribed by applicable Federal, State, or local law, or less favorable than those prevailing for similar work in the locality, or the wages are less than an hourly rate of ¾ of the highest Federal minimum wage ($1.20 per hour under present law);

(c) If membership in a company union or non-membership in a bona fide union is required;

(d) If he has demonstrated the capacity to obtain work that would better enable him to achieve self-sufficiency, and such work is available.

2. *Child care and other supportive services:* The Secretary of Labor directly or by using child care projects under the jurisdiction of the Department of Health, Education, and Welfare, would provide for child care services for registrants who require them in order to accept or continue to participate in manpower services, training employment, or vocational rehabilitation.

The Secretary of Labor would be authorized funds to provide child care by grant or contract. Families receiving such services might also be required to pay all or part of the costs involved. A total of $488 million would be authorized for child care services in the first full year.

Health, vocational rehabilitation, family planning, counseling, social, and other supportive services (including physical examinations and minor medical services) would also be made available by the Secretary of Labor to registrants as needed.

3. Operations of manpower services, training and employment programs: The Secretary of Labor would develop an employability plan designed to prepare recipients to be self-supporting. The Secretary would then provide the necessary services, training, counseling, testing coaching, program orientation, job training, and followup services to assist the registrant in securing employment, retaining employment, and obtaining opportunities for advancement. Provision would also be made for voluntary relocation assistance to enable a registrant and his family to be self-supporting. Public service employment programs would be used to provide needed jobs. Public service projects would be related to the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facility and similar activities. The Secretary of Labor would establish these programs through grants or by contract with public or nonprofit agencies or organizations. The law would provide safeguards for workers on such jobs and wages could not be less than the higher of the prevailing or applicable minimum wage or the Federal minimum wage. Federal participation in the costs of an individual's participation in a public service employment program would be 100% for the first year of his employment, 75% for the second year, and 50% for the third year.

States and their subdivisions that receive Federal grants would be required to provide the Secretary of Labor with up-to-date listings of job vacancies. The Secretary would also agree with certain Federal agencies to establish annual or other goals for employment of members of families receiving assistance.

4. Allowances of individuals participating in training: An incentive allowance of $30

per month would be paid to each registrant who participates in manpower training (States would have the option of providing an additional allowance of up to $30). Necessary costs for transportation and similar expenses would also be paid.

5. Utilization of other programs: The Secretary of Labor would be required to integrate this program as needed with all other manpower training programs involving all sectors of the economy and all levels of government.

6. Rehabilitation services for incapacitated family members: Family members who are incapacitated would be referred to the state vocational rehabilitation service. A quarterly review of their incapacities would usually be made. Each such incapacitated individual would be required to accept rehabilitation services that are made available to him, and an allowance of $30 would be paid him while he receives such services. (States would have the option of providing an additional allowance of up to $30). Necessary costs for transportation and similar expenses would also be paid.

B. Family assistance plan:

1. Payment of benefits: All eligible families with no member available for employment would be enrolled and paid benefits by the Secretary of Health, Education, and Welfare.

2. Rehabilitation services and child care for incapacitated family members: Family members who are unemployable because of incapacity would be referred to State vocational rehabilitation agencies for services. A quarterly review of their incapacities would usually be made. Such persons would be required to accept services made available, and would be paid a $30 per month incentive allowance plus transportation and other related costs. (States would have the option of providing an additional allowance of up to $30.) Child care services would also be provided if needed to enable individuals to take vocational rehabilitation services.

C. Determination of benefits:

1. Eligibility for and amount of benefits: Family benefits would be computed at the rate of $800 per year for the first two members, $400 for the next three members, $300 for the next two members and $200 for the next member. This would provide $2,400 for a family of four, and the maximum amout which any family could receive would be $3,600. A family would not be eligible unless it had countable resources of $1,500 or less.

If any member of the family fails to register, take required employment or training, or accept vocational rehabilitation services, the family benefits would be reduced by $800 per year.

Benefits would be determined on the basis of the family's income for the current quarter and the three preceding quarters.

After a family has been paid benefits for 24 consecutive months a new application would be required which would be processed as if it were a new application.

The Secretary could determine that a family is not eligible if it has very large gross income from a trade or business.

Families would have to apply for all other benefits available to them in order to be eligible.

2. Definition of income: Earned income would follow generally the definition of earnings used in applying the earnings limitation of the social security program.

3. Exclusions from resources: A family cannot be eligible for payments if it has resources in excess of $1,500.

4. Meaning of family and child: A family would be defined as two or more related people living together in the United States where at least one of the members is a citizen or a lawfully admitted alien and where at least one of them is a child dependent on someone else in the family.

No family will be eligible if the head of the household is an undergraduate or graduate student regularly attending a college or university. Benefits would not be payable to an individual for any month in which he is outside the United States.

The term "child" means an unmarried person who is not the head of the household, and who is either under the age of 18 or under the age of 22 if attending school regularly.

5. Optional State supplementation: If a State decides to supplement the basic Federal payment, it would be required to provide benefit amounts that do not undermine the earnings disregard provision. A State could agree to have the Federal Government make its supplementary payments on behalf of the State. If a State agrees to have the Federal Government make its supplemental payments, the Federal Government would pay the full administrative costs of making such payments, but if it makes its own payments the State would pay all of such costs.

States could but would not be required to cover under medicaid persons who are made newly eligible for cash benefits under the bill.

The Federal Government, in administering supplemental benefits on behalf of a State, would be required to recognize a residency requirement if the State decided to impose such a requirement.

D. Procedural and general provisions:

1. *Payments and procedures:* The Secretary would be permitted to pay the benefits at such times as best carry out the purposes of the title and could make payments to a person other than a member of the family or to an agency where he finds inability to manage funds. The Secretary's decision would be subject to hearing and review.

The family benefits could not be paid to an individual who failed to register, or take work, training or vocational rehabilitation. Cash advances of $100 or less could be paid if an applicant appears to meet all the eligibility requirements and is faced with a financial emergency.

The Secretary may arrange for adjustment and recovery in the event of overpayments or underpayments, with a view toward equity and avoiding penalizing people who were without fault. People who are, or claim to be, eligible for assistance payments, and who disagree with determinations of the Secretary, could obtain hearings if they request them within 30 days.

2. *Child care:* The Secretaries of Labor and Health, Education, and Welfare are each given the authority and responsibility for arranging day care for their respective recipients under the Opportunities for Families Program and the Family Assistance Plan who need such day care in order to participate in training, employment, or vocational rehabilitation. Where such care can be obtained in facilities developed by the Secretary of Health, Education and Welfare, these would be utilized.

3. *Obligations of parents:* A deserting parent would be obligated to the United States for the amount of any Federal payments made to his family less any amount that he actually contributes by court order or otherwise to the family. And parent of a child receiving benefits who travels in interstate commerce to avoid supporting his child would be guilty of a misdemeanor and subject to a fine of $1,000, imprisonment for 1 year, or both.

OTHER RELATED ASSISTANCE PROVISIONS

1. Effective date for adult assistance and family programs: Major changes made in the assistance programs would be effective July 1, 1972. The child care provisions would become effective upon enactment of the bill. The amendments which provide benefits to families where the father and mother are both present, neither is incapacitated, and the father is not unemployed (the "working poor") would become effective January 1, 1973.

2. Prohibition against participation in food stamp program by recipients of payments under family and adult assistance programs: The bill would amend the Food Stamp Act of 1964 by providing that families and adults eligible for benefits under the assistance programs in this bill would be excluded from participation in the food stamp program.

3. Limitations on increases in State welfare expenditures: States would be guaranteed that, if they make payments supplementary to the Federal adult or family programs, it would cost them no more to do so than the amount of their total expenditures for cash public assistance payments during calendar year 1971, to the extent that the Federal payments and the State supplementary payments to recipients do not exceed the payment levels in effect under the public assistance programs in the State for January 1971. The value of food stamps would be taken into account in computing whether the guarantee would go into effect if the State pays in cash the value of food stamps. Most States would save money under the provisions of the bill; this provision would guarantee that no State would lose money.

4. Limitation on Federal expenditures for social services: The Federal Government would continue to provide 75% matching funds to the States for child care and family planning services on an open-end appropriation basis. Federal matching for other specified social services would be limited to the amounts appropriated by the Congress.

5. Increase in Federal matching-WIN program: Effective immediately the Federal matching under the WIN program would be increased from 80 to 90%. This provision expires June 30, 1972.

HARD FACTS DISPUTE NIXON CREDIBILITY GAP

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MYERS. Mr. Speaker, Roscoe Drummond, writing in the Philadelphia Inquirer, has some timely observations about one of the most loosely used terms today—the credibility gap—which he calls "one of the most poisonous epithets in American politics."

I call the attention of my colleagues to the Drummond column headed: "Hard Facts Dispute Nixon Credibility Gap." The full text follows:

HARD FACTS DISPUTE NIXON CREDIBILITY GAP

WASHINGTON.—"Credibility gap" is becoming one of the most poisonous epithets in American politics.

It is being used so loosely, so unfairly and often so falsely, that some effort ought to be made to look at the facts and to try to discover whether the accusers are not doing as much—if not more—to create distrust of government as the accused.

Take the state of the economy.

Early this year the Nixon Administration made a prediction that the U.S. gross national product (GNP) would reach $1.065 trillion by the end of 1971. A Cabinet spokesman foresaw a steady upturn in business activity and a steady downturn in inflation.

And did they get hit on the head with the

credibility gap epithet! MIT Professor Paul A. Samuelson, a Nobel Prize-winner in economics who was an adviser to President Kennedy, leapt into the gap with cries of "poppycock," "ludicrous," "cynical" and "comic opera."

Now Prof. Samuelson is saying that in * * * of new favorable trends he expects a period of "uninterrupted economic gains."

After the first-quarter figures showed a GNP gain of $30.75 billion Dr. Samuelson revised his forecast for the 1971 GNP by $10 billion—from $1.045 trillion of last fall to $1.055 trillion currently—thus now moving his estimates half-way to the Administration's $1.065 trillion.

Other economists are doing the same, raising their estimates nearer to what only a few months ago they branded "poppycock." It isn't poppycock to David R. Francis, the cooly nonpartisan business and financial correspondent of the Christian Science Monitor. He writes:

"There had thus developed a big gap between what the public thinks of the recovery and the fact, which is that the economy shows many signs of moving ahead at a rapid rate."

Yes, there's been a credibility gap—but who's been creating it?

Take the state of public opinion on Vietnam withdrawal.

Who doesn't know that by 68 percent to 20 percent the American people say they favor the proposal that all U.S. troops be out of Vietnam by the end of this year? This is what most Americans think that most Americans think, and when the President says he is steadily winding down the war, the critics cry "credibility gap" on the ground that he isn't winding it down as fast as they contend the public is demanding.

It is certainly true that when asked whether they would like to see all forces withdrawn by Dec. 31 of this year most people say yes.

But is that all of it? Consider these facts:

When the same Opinion Research Corp. asked the same people if they favored such withdrawal if "this meant a Communist takeover of South Vietnam," they voted 55 percent no, 29 percent yes.

When asked if they would favor a 1971 withdrawal if it threatened the lives or safety of U.S. prisoners of war held by North Vietnam, the same people voted 75 percent no, 11 percent yes. When asked: "Do you support President Nixon in his plan to end the war in South Vietnam?" the replies were 72 percent yes, 18 percent no.

There has been a credibility gap on how the American people want to get out of Vietnam, but it is now evident that it has been created mostly by the failure of the pollsters to ask the revealing questions and the zeal with which so many politicians take the one poll which suits their purpose.

NATIONAL DEFENSE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PRICE of Texas. Mr. Speaker, this afternoon the House is continuing its extended debate over whether to authorize $21.9 billion for Department of Defense activities for the coming fiscal year.

A hue and cry has been raised by some Members of this body for a so-called reordering of national priorities. This carping worries me greatly because it represents a trend in our society, and a dangerous trend at that. It appears that a growing number of Americans are increasingly becoming more willing, and even anxious in fact, to bleed our national defense capabilities in the name of "reordering national priorities."

Contrary to what some would have us believe, though, determining the size and composition of the defense budget does not really involve assigning relative priorities between national defense and domestic programs, between guns and butter. Rather, decisions on the size and composition of the defense budget should only involve a consideration of the needs of national survival, and nothing more. In this process, the key question that should be raised and raised often is, "What is needed for the survival of our Nation?"

Mr. Speaker, the American people and their public officials must never forget that the ability of this Nation to survive in the future will not depend on how well it has managed its domestic resources and domestic programs. It will depend instead on whether this Nation has been successful in avoiding and frustrating the forces of darkness which would involve us in a devastating war with the Soviet Union or Red China. Thus, if we fail in this endeavor, we fail in everything. And the American ideals and way of life which we hold so dear will have come to naught but dust, and radioactive dust at that.

It is to prevent this kind of conflagration that we need to maintain an impregnable national defense system. We must possess a level of strategic and conventional military strength sufficient to deter would-be aggressors. Regrettably, however, the facts indicate that the Soviet Union is steadily upgrading and augmenting its military might, and the Chinese Communists are striving to do likewise. Thus the strategic balance of power, which, for many years following World War II, hung solidly in favor of the free world, has started to move slowly in the other direction.

When one considers all the elements in national military nuclear and non-nuclear force levels of the United States, the Soviet Union, and Red China, this Nation still possesses a powerful and very believable deterrent to any World War III. But military experts and strategic analysts point out with chilling objectivity and clarity that the Russian military war machine is expanding its research, development, and production to such levels that unless the United States takes significant countermeasures, this Nation will be reduced to a second best military power. In fact, in certain significant respects during the past 5 years the fine balance of strategic power has actually shifted in favor of the Soviet Union.

Mr. Speaker, in an effort to highlight the most significant aspects of the Soviet and Chinese Communist threat, I have, with the cooperation of Defense Department officials, compiled an up-to-date breakdown of their offensive and defensive strategic capabilities, as well as the current state of their research and development activities.

RUSSIAN STRATEGIC CAPABILITIES

I. ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. In only 4 years, the Soviets have increased their ICBM force by a factor of five. The result is an ICBM force of more than 1,440 launchers, compared with our fixed ICBM force of 1,054 launchers, a U.S. force that peaked out at this level over 5 years ago.

With regard to the apparent slowdown in the deployment of the Soviet's SS–9 launch system, this condition has now been offset by the recent revelation that the U.S.S.R. is constructing new missile silos. Secretary of Defense Melvin Laird stated, in this connection:

> There is evidence of construction of a large missile system . . . it is difficult at this time to say whether it is a modified version of the SS–9 or a new ICBM system.

A. SS–7 AND SS–8

Since initial deployment in the early 1960's the Soviets have developed a number of ballistic missile systems. Two of the earlier systems, the liquid fueled SS–7 and SS–8, were deployed in only limited numbers. Their retention in the ICBM inventory emphasizes the Soviet propensity to hold onto older, proven systems, even as new systems are deployed.

B. SS–11

The SS–11 is one of the three ICBM systems still being actively deployed. It is deployed in larger numbers today than any other Soviet system, in excess of 900 launchers part of which are associated with MR/IRBM fields. Flight testing of modifications to the SS–11 commenced in 1969 and has included tests of a new reentry vehicle with penetration aids and multiple reentry vehicles as likely possibilities.

In 1968 deployment of SS–11's at MR/IRBM complexes in the western U.S.S.R. was begun. These missiles with variable range capabilities could be targeted on both United States and the NATO area of western Europe.

Last August, Secretary Laird revealed that two extended range tests of this system, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles.

C. SS–13

The SS–13, savage, is the Soviet's first operational solid propellant ICBM. Deployment thus far has been limited, and U.S. weapons analysts are uncertain about SS–13 force goals. Again, as with the SS–11, an active test program continues for this system.

Today, the combined SS–11 and SS–13 force accounts for more than 1,000 launchers.

D. SS–9

Last, but by no means least, of the ICBM systems currently being deployed is the powerful SS–9 system.

The SS–9 is the largest and most versatile missile in the Soviet ICBM inventory. Silos for about 300 of these large, liquid fueled systems are completed or under construction.

The missile is capable of a variety of strategic roles. As an ICBM, the SS–9 is capable of delivering a single 25 megaton

warhead, or combinations of smaller megaton range multiple warheads.

Multiple reentry vehicle tests, using the SS–9 booster, were initiated in 1968. As already tested, the system can carry three 5 megaton warheads to a range of over 5,000 nautical miles. Another variant of the SS–9 has been tested as a fractional orbit bombardment system, or FOBS.

The actual extent of diversification in the operational deployment of the SS–9 system cannot be determined. It can be stated with assurance, however, that this large payload missile, with its proven versatility, provides a variety of options for strategic deployment or employment.

E. ICBM GROWTH

The Soviets have already surpassed the United States in numbers of land-launched ICBM's and deployment is continuing. Of even more significance is the advantage held in total payload and the current emphasis on multiple reentry vehicle testing. Significantly, last year's research and development ICBM testing by the Soviets constituted the greatest activity since the beginning of their ICBM program. Although we are uncertain of their future force goals, based on the level of activity in recent years, the Soviets could achieve a force of well over 2,000 hardened ICBM's by 1975.

II. MR–IRBM FORCE

The Soviets have also deployed over 650 liquid fueled medium- and intermediate-range missile launchers. These launchers, designated the SS–4 and SS–5, are mainly deployed along the western U.S.S.R. border. Although MR/IRBM force has remained fairly constant over the past 10 years, there are indications that it may be replaced by a solid fueled mobile system, such as the Scamp.

While not a direct threat to the U.S. mainland, the MR/IRBM force, including refire capability, does represent more than a 1,000 missile threat to our overseas bases and to our allies.

III. SLBM FORCE

In less than 5 years Soviet sea-launched ballistic missile capabilities have tripled. This growth is similar to the growth in the ICBM area.

A. OLDER SUBMARINES

The first ballistic missile-carrying sub, the Z-class, was operational in the mid-1950's. This was followed by the G-golf and then the H-hotel class. The hotel class was the Soviet's first nuclear-powered ballistic missile submarine. The missiles associated with these three-tube submarines have ranges on the order of 500 nautical miles.

B. YANKEE-CLASS SUBMARINES

By far the most significant factor in the expanding sea-launched ballistic missile threat has been the development of the Yankee-class nuclear-powered ballistic missile submarine. Like U.S. Polaris subs, the Yankee carries 16 missiles each, with a range of about 1,300 nautical miles. At least 17 of the Y-class boats are considered to be operational. It is believed, however, at least another 15 are presently being outfitted or under construction at two separate facilities, and that the production rate is about seven to eight per year.

In addition, testing is underway on a new, longer range missile that could double the submarine's present strike range. This new naval missile may be the Sawfly which was first publically displayed in a 1967 Moscow parade.

III. SLBM GROWTH

Today, the United States still has the advantage in numbers of sea-launched ballistic missiles but the Soviets are rapidly closing the gap. With an estimated construction rate of 7–8 Yankee subs per year, the Soviets could at least equal our Polaris and Poseidon force within the next few years.

IV. BOMBER FORCE

Bombers play a vital role in the Soviet arsenal. Since 1965 a long-range aviation force of about 90 bombers has been maintained.

A. HEAVY BOMBERS

The heavy bomber force, composed of bears and bisons, is being maintained at about 195 aircraft. Of this number, 50 bisons are normally utilized as tankers.

Although the United States stopped heavy bomber production about 7 years ago, the Soviets only recently discontinued production of the Bear, a turboprop bomber.

A significant portion of this force can carry air to surface missiles and be refueled in flight.

B. MEDIUM BOMBERS

The Soviet medium bomber force, consisting of blinders and badgers, totals about 700 aircraft. Although the Badger was first introduced in 1953, some have been modernized by the addition of air to surface missiles.

A limited production continues on the Blinder, which is a swept-wing, supersonic medium bomber, powered by two turbojet engines. If deployed at northern U.S.S.R. staging bases, the medium bombers could be a potential threat to the United States.

C. FUTURE BOMBER

While older systems are continually updated with modifications, the Soviets continue to develop newer and improved aircraft.

The Soviet supersonic transport has been flying for 2 years. While there is no known direct military application for the craft, the Soviet SST could provide valuable engineering data for a follow-on strategic bomber. In this connection, a new prototype strategic bomber is now flying in the Soviet Union. It is believed to be a variable sweep wing, supersonic aircraft, with improved range over the Badger and Blinder.

D. BOMBER STRENGTH

The long-range bomber force has remained fairly constant during the past 6 years after the allocation of about 400 aircraft to its naval arm in the early sixties. They continue to maintain this large strategic bomber force, despite predictions that it would be phased down.

Many will recall Mr. Khrushchev's famous remark in 1957:

Bombers are obsolete. You might as well throw them on the fire.

In view of Russia's continued reliance on the manned bomber, one wonders whether Khrushchev made this comment as a matter of conviction or in an effort to influence U.S. national defense policy.

RADARS

Soviet radars, which number in the thousands, provide complete warning and interceptor control throughout the U.S.S.R. These radars, which span the full usable frequency spectrum, incorporate all the latest advancements in electronic counter-countermeasure technology. In addition, they have recently embarked upon an extensive program to improve their ability to detect low flying bombers using land, sea, and air-based radars.

I. AWACS

A new airborne radar is mounted on the moss, which was developed from the TU–114 transport version of the Bear bomber. This airborne warning and control system, AWACS, can extend Soviet detection of penetrating bombers by about 200 miles, and even without advanced techniques, could detect low altitude aircraft against the background of a calm sea.

FIGHTER PLANES

The Soviets maintain an impressive force of more than 3,000 fighter interceptors. Most, including the older MIG–17, MIG–19, and MIG–21, have a good all-weather capability. To keep this force modern, the Soviets have introduced a new fighter aircraft on an average of one per year.

An example is the Fiddler, a large, long-range interceptor which became operational about 5 years ago. If used in conjunction with the AWACS, it could provide a patrol capability well beyond Soviet borders.

I. FLAGON

The Flagon is a small, fast point defense interceptor which has been in service about 2½ years.

II. THE FOXBAT

The Foxbat is a relatively large aircraft capable of speeds in the mach 3 region. When introduced over 5 years ago, the Foxbat claimed three world speed records, as well as altitude and payload records. Today, this aircraft officially holds two world speed records over a closed circuit course. It was recently deployed as an interceptor and may enter the tactical aviation inventory this year. If employed as a tactical aircraft, it is believed that the Foxbat will retain its primary role as an interceptor and fulfill a specialized secondary reconnaissance role.

ANTISUBMARINE WARFARE

Soviet defenses are also growing on the seas—witness the production of two large helicopter carriers: The *Moskva* and her sister ship, the *Leningrad*. These ships probably carry sophisticated electronic gear for detection and tracking of enemy submarines, and rely on armed helicopters to perform the kill. Both ships have operated extensively in the Mediterranean, and the *Leningrad* has

been noted as far north as the Kola Peninsula. The *Leningrad* also played a prominent role in the large-scale Soviet naval exercise, Okean, in April and May 1970. This single naval operation was, incidentally, the widest in scope ever attempted by any navy—involving about 200 ships in a single, integrated operations plan involving three oceans and nine adjoining seas.

ANTISUBMARINE AIRCRAFT

In addition to using helicopter carriers in an ASW role, the Soviets have developed several long-range, land-based aircraft for this mission. There aircraft the mail and the may are probably equipped with a high resolution radar, as well as magnetic anomaly detection gear. Both can carry ASW torpedoes and depth charges.

Additionally, the Soviets could configure their longer range naval version of the Bear bomber for this ASW mission. With such a platform recovering in Cuba, as the Soviets have done with the reconnaissance version, the entire north Atlantic could be covered routinely.

AIR DEFENSE FORCE

A full appreciation of the growing Soviet threat requires an examination of defensive as well as offensive strategic forces. Today, the Soviet Union literally bristles with defensive systems ranging from antiaircraft artillery to antimissile missiles.

They probably spend at least twice as much as the United States for defense. They are, qualitatively speaking, equal, and in terms of in-being, operational forces, quantitatively greater than the United States.

By way of illustration, with a land area not quite three times that of the United States, they have from five to 20 times as many radars, surface to air missiles, and interceptors.

Probably more important, however, is their continuing program to improve air and missile defenses across the board, coupled with significant progress in antisubmarine warfare.

I. BALLISTIC MISSILE DEFENSE

Turning now to ballistic missile defense, the Soviets have considerable activity underway. The Moscow system consists of 64 launchers, divided among four complexes, and was begun 5 years ago. At the same time, construction began on several giant supporting radars, about 900 feet long and 90 feet wide. These powerful radars, designated the hen house, provide early warning acquisition and tracking functions.

This first-phase Soviet ABM deployment around Moscow has been described by a DOD spokesman as a "relatively complete ballistic missile defense." He also stated that there is "no reason to doubt the effectiveness of this system."

II. ABM RADAR—ACQUISITION

A second large radar, nicknamed Dog House and standing hundreds of feet tall, is located near Moscow. It is probably a more accurate system designed to provide refined data for improved battle management.

III. ABM RADAR—TRACKING

Final target tracking and missile guidance are probably provided by large, dome covered tracking radars, located in strategic locations throughout vital areas of the U.S.S.R.

IV. ABM SYSTEMS

The Moscow system interceptor, the Galosh, is a multistaged, solid/liquid fueled missile. It is believed to have a range of several hundred miles, can carry a 1- to 2-megaton nuclear warhead, and appears suitable for a high altitude area defense. As now deployed, it could give the Soviets a limited capability against our Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is expected to be 2 or 3 years away when the half a dozen hen house installations around the Soviet Union are operational.

The Galosh missile, however, may not be the only ABM system in the Soviet inventory. The so-called Tallinn system employs the SA–5 missile and it has been said that "if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles."

In addition, testing of an improved ABM interceptor is underway. This ABM would loiter—that is, once fired it could coast out to a general intercept area, select its targets, restart, and maneuver to kill the incoming warhead.

Projection of Soviet R. & D. efforts with these new ABM components may find that, by the mid-seventies, the Soviets could have as many as 2,000 ABM launchers.

V. SAMS

Besides innumerable AAA weapons ranging up to 130 millimeters, there are on the order of 10,000 surface-to-air missile launchers in the Soviet Union in both fixed and mobile configurations. Their oldest operational system, the SA–1, is still deployed around Moscow.

The SA–2 is the mainstay of SAM defenses in the Soviet Union and pro-Soviet nations, including Cuba, North Vietnam, and the UAR. The good high-altitude capability of the fixed SA–2 system is complemented by the SA–3 system which has better low altitude capabilities. The SA–2 and SA–3 have figured prominently in the Mid-East.

The SA–4 and SA–6 are track mounted, mobile systems, ideally suited for defense of army field units. The SA–6 was first observed in the November 1967 Moscow parade and may be operational now or in the near future.

The SA–5 Tallinn System provides an excellent defense against extremely high altitude aircraft: and as a leading U.S. expert has pointed out, could have considerable capability to intercept ballistic missiles.

RESEARCH AND DEVELOPMENT

Quoting Dr. John S. Foster, the director of Defense Research and Engineering:

> The Soviet Union is now about to seize world technological leadership from the United States.

He has based this conclusion on the comparative state of technology today between the two nations and the current level of R. & D. efforts. He believes that the United States still retains an overall edge in technology, but that this edge may exist in nonessential or irrelevant areas.

I. R. & D. PRACTICES

Soviet R. & D. practices can be characterized by three features:

They are bold in their approach to program concepts. Construction on the large Hen House radar, for example, actually began several years before a working interceptor to complement it was available.

The Soviets organize their system development about a few prototypes, most often pitting two teams of designers against one another. The wide variety and variations of U.S.S.R. fighter aircraft are examples of this methodology.

Third and last, they seldom abandon a proven piece of equipment or system, but instead rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber, and the versatility of the SS–9 missile.

II. R. & D. FUNDING FOR DEFENSE

Looking at military, space, and atomic energy R. & D., the United States is already behind about $3 billion a year. In this regard, the Soviets have been expanding R. & D. expenditures by about 13 percent a year since 1960.

CHINESE COMMUNIST STRATEGIC THREAT

The Chinese Communists are apparently convinced that the possession of a strategic nuclear strike capability will act as a deterrent in preventing attacks on the Chinese mainland. They have also concluded that this power would greatly enhance their bargaining position throughout the world.

As a step toward attaining this goal, the Chinese have thus far achieved a modest nuclear capability. They have been conducting nuclear testing since 1964, and have to date detonated about a dozen nuclear devices. Most of these are believed to have been thermonuclear devices, including both air and possibly missile delivered weapons, with yields in the megaton class.

CHICOM ICBM

The Chinese have successfully orbited two satellites, one in spring 1970, and one in March of this year. The technology displayed in launching these approximately 400-pound payloads provides an insight into their missile potential.

Based on their demonstrated space technology, reduced range testing of an ICBM may have begun late last year. Following more extensive testing, an operational ICBM could become available as early as 1973 and be deployed in limited numbers by 1975.

CHICOM MR/IRBM

The Chinese have been testing a medium-range ballistic missile since the mid-1960's. The Soviet MRBM is much like the type given the Chicoms by the

Soviets in the early sixties. Using Soviet technology as a springboard, the Chinese have probably developed a medium-range ballistic missile of their own.

Emphasis in Chicom missile R. & D. may have shifted in 1970 to the development of an intermediate-range missile system. By the middle of this year, there could be a small number of MRBM's deployed and limited numbers of the IRBM could well be deployed within 1 to 2 years. On the basis of present estimates, a force of 80 to 100 MRBM's could be available by 1975.

CHICOM BOMBERS

The present Chicom nuclear delivery force consists of a limited number of medium-range bombers. These include about 10 B-29-type piston aircraft acquired from the Soviets in the late fifties and a small but growing medium-bomber force of Badger-type aircraft. Thus, at present rates, a significant number of medium-range bombers should be off the assembly line by the middle of next year.

CHICOM GROWTH

Though hardly comparable to Soviet growth, the Chinese threat does include improvements in all areas.

Their strategic bomber force, which has remained fairly constant since 1960, may add new medium-range aircraft and increase the existing inventory within a few years.

Missile deployment may have begun last year with medium-range ballistic missiles, followed with an ICBM at the earliest by 1973. By the mid-1970's, total missiles on hand could reach as many as 125.

CHICOM AIR DEFENSE

The Chinese Communists have over 3,000 fighter aircraft; mostly of Soviet design. However, the Chinese may now be capable of producing their own native aircraft in limited quantities. Supporting these fighter aircraft are nearly 1,500 air defense radars. In addition, key targets are protected by over 50 surface-to-air missile sites and nearly 4,500 anti-aircraft artillery weapons are deployed throughout the country.

Mr. Speaker, this information, taken in perspective, leads one to the inescapable conclusion that the growing Soviet and Chinese Communist strategic capabilities present a threat to this Nation that is immense indeed. The Soviets are still deploying at least three kinds of ICBM's and are diligently working on follow on improvements. The U.S. advantage in sea-based ballistic missiles is rapidly diminishing, and the Soviets may well surpass us with the advent of the new missile I referred to earlier, a missile that will double the range of the missiles carried by the Yankee-class submarines. Finally the Soviets are continuing to manufacture manned bombers and fighter planes, and are developing an advanced bomber as well.

I would point out that even though the Soviets already hold the strategic balance of power in defensive weaponry, they are deploying larger numbers and more advanced surface to air missiles and are upgrading their antisubmarine and ballistic missile defenses. Through extensive programs of research and development, the Soviets are striving to construct the world's finest technological base for furthering expansion of their strategic strength.

As regards the Chinese Communist strategic threat, the current evidence indicates that they are striving to augment their military forces and develop potent nuclear capabilities. Given their rate of development, the day may soon come when the Red Chinese will trade ping-pong diplomacy for nuclear diplomacy.

In conclusion, Mr. Speaker, I would urge my colleagues to carefully weigh the consequences of reducing the ability of this Nation to defend itself and its allies. After all we are dealing with fundamental questions of life and death. This Nation can protect itself only through strength, not through weakness. Defense needs must be fully met and fully funded.

STATEMENT OF AARON M. KOHN TO THE LOUISIANA STATE RACING COMMISSION

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. STEIGER of Arizona. Mr. Speaker, yesterday I was privileged to appear before the Louisiana State Racing Commission to testify on the involvement of Emprise of Buffalo, N.Y., and organized crime. Mr. Aaron Kohn, ex-FBI agent, 17-year-fighter of organized crime and nationally recognized authority delivered the following paper at the hearing. It is authentic, scholarly, and excellent.

The statement follows:

STATEMENT OF AARON M. KOHN, MANAGING DIRECTOR, METROPOLITAN CRIME COMMISSION OF NEW ORLEANS, INC., TO THE LOUISIANA STATE RACING COMMISSION, JUNE 16, 1971

First, I should like to express appreciation to the Racing Commission for diligence in initiating this investigation after I wrote the Commission Chairman, Mr. L. A. Holland, on March 9, 1970, transmitting certain information concerning the alleged involvement of Emprise Corporation with organized crime figures, and urged that a thorough probe be made of their influence on Louisiana racetracks. The Commission, having no investigative staff of its own, referred the request to the small, newly created, Organized Crime Intelligence Unit of the State Police. Subsequently, the same police unit was assigned investigative responsibilities for the Joint Legislative Committee Investigating Organized Crime and Corruption. During the Legislative Committee hearing on March 18, 1971, State Police Officer James S. Howard made a preliminary report about the ownership of Jefferson Downs, Inc. principally by John G. Masoni and Emprise Corporation, as well as by the Daytona Beach Kennel Club, in which Masoni Emprise are also owners. He also testified to information in the Congressional Record concerning the financial alliance of Emprise Corporation with various individuals identified as Cosa Nostra figures. Officer Howard's testimony was unreported by most of the press.

For the past three months the State Police Intelligence Division, aided by some additional personnel, has intensified and expanded its investigation in an admirable way. It is notable that this is the first time the Racing Commission, or any other State body, has had available to it the services of an intelligence-gathering unit with the dedication and professional commitment which now exists in this still inadequately-staffed special division of the State Police.

I will not burden your time or this record with repetition of data you undoubtedly will receive in great detail from Congressman Sam Steiger and from reports of the State Police Intelligence Division, which has researched and briefed most of the Crime Commission records on Jefferson Downs, Emprise and related files.

However, as citizen observers, from the public interest viewpoint, I should like to briefly trace some of the history of Jefferson Downs, its relationship to Emprise and to organized crime influences.

From its beginning as Magnolia Park, the Jefferson Downs track has been troubled with financial problems, bankruptcy, hurricane, fire and the intrusions of organized crime. The abuse of legitimate track operations by corrupt officials, professional gamblers and the Marcello organization were the subject of testimony before the U.S. Senate Permanent Subcommittee on Investigations during August, 1961. Use of the track to further illegal gambling continued thereafter until it was rendered unfit for further use at the old location. The track was frequently in trouble with the Jefferson Parish Health Officer, Dr. Isadore Yager, who threatened to close it because of hazards to the health of nearby residents. And throughout that history, Emprise and its subsidiary, Sportservice, has been an active part of the track operations.

The present controlling ownership of Jefferson Downs, its concessions and property, has gradually evolved from a series of take-overs by Emprise which somewhat typify its evolution into economic dominance of race-track business in this nation and elsewhere.

Jefferson Downs started as Magnolia Park, Inc. incorporated in Louisiana on July 16, 1953 to operate as a harness racing track. Emprise, through its subsidiary, New Orleans Sportservice, Inc., took over concessions and loaned money to the owners.

In 1956 we were informed that Sportservice unsuccessfully applied to the Racing Commission for permission to operate flat racing at the track.

In April 1957 Felix Bonura, as president of Magnolia Park, Inc., announced plans to issue $200,000 additional stock to reopen the track for flat racing. In August, 1957, the Racing Commission approved night flat racing dates for Magnolia. On September 18, 1957, the Magnolia secretary announced the track would reopen on October 3, and that "We're getting all the money we need from Sportservice," which reportedly had agreed to lend Magnolia $300,000. The track did open, and our Crime Commission promptly received information that it was swarming with illegal bookies.

Magnolia didn't receive the promised money, never developed operating stability, and on October 16, 1957, filed a voluntary petition for reorganization under Chapter X of the Federal Bankruptcy Act.

On November 3, 1958, the trustee, Richard B. Montgomery, Jr., filed a plan for reorganization, supported by the Securities and Exchange Commission. The plan recommended that the concession contract with Sportservice be rejected, and U.S. District Judge J. Skelly Wright agreed this would be in the best interest of the track.

Sportservice opposed the reorganization plan, and was represented in Louisiana by two attorneys from Buffalo, New York, Robert P. Leacy and Arnold Weiss.

The plan provided that Magnolia would be reopened as Jefferson Downs with ownership in a corporation headed by C. Ray Edmonds,

who had been running tracks at Sioux City, Iowa and elsewhere. Edmonds reportedly had already been involved with John Masoni and the Jacobs family (Emprise) at a dog track in West Memphis, Arkansas.

The attorneys for Sportservice claimed they had, in fact, advanced over $200,000 to Magnolia while operating the concessions there. Thomas Lupo, now a stockholder in Jefferson Downs, temporarily replaced Sportservice as the concessionare with L & R Concessions. Sportservice filed a $1 million suit for breach of contract.

While the reorganization controversy proceeded, in August 1958 the Racing Commission received an application to reopen the track for racing in early 1959. Commission Vice Chairman Daigre was then quoted in the press as saying that Commission Chairman J. M. "Pete" Menefee told him Governor Earl Long wanted the request approved. This was publicly denied.

In a hearing before Judge Wright on January 21, 1959, there was testimony that Sportservice attorney Robert Leacy had said "We are not at all concerned with the plan, only with the concessions. No damn state commission is going to push us around. If we don't get the concessions, we will fight the plan". The Court was also told that the State Racing Commission had disapproved Sportservice as the concession operator for Jefferson Downs. Sportservice attorney Arnold Weiss was quoted as saying he would "take steps to change that". Thereafter, I was informed that Leacy admitted paying $10,000 to Governor Earl Long and a similar amount to Racing Commission Chairman "Pete" Menefee on behalf of Sportservice, to protect their interests.

On December 22, 1958, the reorganization plan was submitted to stockholders, creditors, and debenture holders. On November 1, 1960, the trustee reported that the plan had been approved, but with certain changes. One such change was: "The objections to the plan which were filed by New Orleans Sportservice, Inc., were settled by accepting New Orleans Sportservice, Inc. as the concessionaire and the approving of its contract with Magnolia Park, Inc., which was then assigned by the Trustee to Jefferson Downs, Inc."

Thereafter, John Masoni moved into ownership and presidency of Jefferson Downs. C. Ray Edmonds was moved out. Emprise loans and stock purchases increased, until today Emprise directly and indirectly controls every aspect of Jefferson Downs' finances and management.

The growth of Emprise Corporation, and the Jacobs family, from concessionaires in burlesque houses to an international conglomerate of vast proportions challenges the imagination. And challenging to responsible decision is the parallel record of organized crime alliances and deceptive practices of Emprise as has been documented by Congressman Steiger. Emprise Corporation has investments in or control of about 40 racetracks, roughly 450 sportservice concession contracts, various sports arenas and stadiums. Through their conglomerate business network the Jacobs family has also acquired interest in a professional basketball team, the Cincinnati Royals, and their employees are at virtually every professional football game. They have operating units in at least ten major league baseball stadiums, eight professional football stadiums and many minor league parks. Racetrack operators, including concessions and track ownership extend to 25 states, Puerto Rico, Canada, England and Columbia. They have subsidiaries in Italy. They operate food and drink concessions in hundreds of theaters across the nation, parking lots, airport services, restaurants, bars and lounges.

Emprise has frequently been charged with giving false or deceptive information to government agencies.

For example, after it had been denied by Emprise Attorney Lawrence P. D'Antonio when Jeremy Jacobs, President of Emprise, testified at a hearing of the Arizona Racing Commission on March 2, 1970, he admitted that Emprise had supplied the money with which J. J. Isaacson had purchased Tucson Turf Club stock.

The Arizona Auditor General reported that Empire used false income figures when requesting tax concessions from the Arizona Legislature.

The U.S. Securities and Exchange Commission alleged that the Tucson Turf Club filed "false and misleading" documents, concealing ownership of over ⅔ of the stock by Emprise.

About nine months after Jeremy Jacobs swore that he had no business dealings with ex-convict Irwin Wiedrick in a Delaware track, Emprise filed a suit in Dade County, Florida in which the Wiedrick relationship was admitted.

Emprise ownership and financial transactions repeatedly tie them to underworld figures.

The "Silent Syndicate" by Hank Messick describes specific situations in which large amounts of money moved between the Cleveland syndicate and Sportservice, helping to bankroll each other's needs.

Illinois records document the activities of Emprise in that State's racetracks, including joint concession interests with racketeer Frank "Buster" Wortman at Cahokia Downs, and financial involvements with ex-convict Irwin "Sam" Wiedrick.

The partners of Emprise at the Hazel Park track in Michigan include key figures in the Detroit area Cosa Nostra, as identified by the Attorney General of the United States in 1969. These include Anthony J. Zerilli, President, and Jack W. Tocco, Vice President, as well as Dominic P. Corrado, a Director, of the Hazel Park Racing Association. Four of the nine Directors of Hazel Park are now under federal felony indictments and a fifth has been connected with illegal gambling. Members of the Zerilli organization have been prosecuted in recent years for interstate gambling, bankruptcy fraud, embezzlement, illegally taking goods from bonded areas, tax evasion, fraudulently securing FHA and SBA loans, evading payment of taxes on handbook operations, interstate transportation of firearms, intimidation of a Federal officer, liquor law violations, counterfeiting, obstruction of justice, interstate racketeering, loansharking and illegally bringing aliens into the United States.

Emprise owns 156,555 shares, or about 12%, of Hazel Park and it controls the concessions, including parking.

The Zerilli mob, bossed by Anthony's father, Joseph, were considered the most notorious prohibition era hoodlums in the Detroit area. They eventually took over domination of the rackets from the Purple Gang. In characteristic organized crime pattern, they dominated gambling and other rackets while increasingly moving into legitimate-front enterprises. The money which Anthony Zerilli invested in Hazel Park he admitted receiving from his father, the Cosa Nostra Boss. Anthony is married to the daughter of the deceased Mafia Don Joseph Profaci.

Hazel Park has been the target of scandals and investigations. U.S. Internal Revenue in Detroit raided 12 syndicate gambling centers July 1, 1966, and four jockeys and a trainer were allegedly involved. A State Racing Commissioner resigned.

The Michigan Attorney General, Frank J. Kelley, asked for a grand jury probe of horse-doping, bribery and conspiracy at Hazel Park. He charged that public officers, state employees and persons licensed by the Racing Commission were involved in a conspiracy at the Hazel Park track.

The common interests of Emprise with the Detroit Zerilli Cosa Nostra Family becomes particularly dangerous in Louisiana because of the apparent close relationship between the Marcello organization here and the Zerillis.

Police intelligence has established past direct contact between Carlos Marcello, Anthony Zerilli and the Hazel Park track.

Frank Caracci's conviction on three counts for conspiracy to bribe a federal tax agent was upheld earlier this month by the U.S. 5th Circuit Court of Appeals. An associate of the Marcello mob, he has a long history of corrupt operation of New Orleans strip-clubs, and as a pinball gambling racketeer. In September 1969 he was arrested with others in connection with a sports betting operation in Houston.

Earlier in 1969, in May, Frank Caracci was at the Spaghetti Palace, in Roseville, Michigan, a suburb of Detroit. This restaurant is owned by Anthony Zerilli and frequented by other members of the Detroit Mafia. With Caracci was Frank Profaci, brother-in-law of Zerilli and son of a former Cosa Nostra boss, Joseph Profaci. Also with them was Nicholas J. Graffagnini of Metairie, Louisiana who then had 16 horses running at Hazel Park, and whose horses race on Louisiana tracks.

I remind the Commission of the many ways in which Carlos Marcello has been able to manipulate and influence corruptly on behalf of his interests, direct and indirect. Recent legislative committee hearings have documented some of the pattern. He, or his associates, have attempted, or have wormed their way into every race track in this State. Former Racing Commissioner Antoine Ashy resigned after disclosures of his relationship with Vincent Marcello, and with illegal gambling at Evangeline Downs. Carlos Marcello tried to buy his way into the original Jefferson Downs, and sought to have the new track built on his Churchill Farms property. Marcello-connected gamblers have frequented and been ordered off the Fair Grounds track. People in the Marcello organization breed and run racehorses. And the Marcello mob includes major figures in illegal gambling, including horserace betting.

And as Carlos Marcello told a candidate for election in Jefferson Parish, he makes contributions to political campaigns with the understanding that he will expect favors for his friends when they get in trouble.

Marcello also has a history of taking over control of various enterprises, as does Emprise, by increasing investment, some concealing ownership behind front men.

In the Eastern District of Michigan, federal court docket #45236, indictments for Bankruptcy Fraud were returned against 15 defendants. Of eight of them officially identified as important in the Cosa Nostra, two are officers of Hazel Park.

They are charged with "scam" operations which have typified planned bankruptcy frauds by organized crime groups in recent years—an increasingly serious problem.

An indictment returned by a federal grand jury in the Central District of California, on February 26, 1971, makes serious charges in 10 felony counts against Emprise Corporation, two other owners of Hazel Park, (Anthony Zerilli, Peter Bellanca) and others.

The extensive California indictment alleges that Emprise owners Louise M. Jacobs, Max M. Jacobs and various others conspired and acted in concert with those indicted, to create an intricate web of false ownership of a Las Vegas gambling casino, and to deceive the Nevada State Gaming Commission, a regulatory agency as is the Louisiana Racing Commission.

Also indicted with Emprise and Zerilli were a former Michigan judge, Arthur J. Rooks, and Jack Shapiro, manager of the Frontier Hotel and Casino in Las Vegas.

In March of this year the FBI, the U.S. Attorney and a federal grand jury probed into wiretapping allegedly used to obstruct

the Arizona Racing Commission's investigation of the Emprise Corporation ownership interest in six Arizona dog-tracks. It had been disclosed that one of the Commissioners who later resigned, Al Marth of Phoenix, had assured Emprise's local partners that the licenses being challenged would be renewed. Wiretaps reportedly had been installed on the office and home phones of Racing Commission Chairman John Goodman; on the phones of Congressman Steiger and his administrative assistant, Michael Jarvis; on the residence phone of Arizona Republic reporter Don Bolles; and on other phones. The wiretaps admittedly had been arranged by an investigator, George H. Johnson, employed by the Funk-Emprise interests in Arizona.

The wiretapping was being done about one year ago while the Arizona Racing Commission was considering renewal applications for joint operations of the six dog tracks and Prescott Downs by Emprise Corporation and Funk racing interests.

In Arizona, Emprise apparently is co-owner of eight tracks. In 1967 they took over the Phoenix Trotting Park when the former owner became insolvent. Thereafter legal pressure was brought in an effort to recover previously paid taxes totalling $203,000.

Arizona State Auditor General Ira Osman prepared an analysis for that State's Legislative Budget Committee which showed that the Emprise-Funk tracks had expended $281,682 in their efforts to retain racing rights there in 1970. This included payments to lawyers, public relations consultants and others, including the wiretapping investigator. Part of the money went to a New York PR man, Hal Antin, apparently for directing an unsuccessful campaign to prevent re-election of Congressman Steiger, a courageous and tireless opponent of rackets influence on horseracing.

In 1968, the U.S. Attorney for Southern District of New York, Robert M. Morgenthau, Jr., subpoenaed Louis Jacobs, of Emprise, to question him before a federal grand jury concerning business dealings with Gerardo "Jerry" Catona, reputed successor to Vito Genavese and boss of New Jersey's LCN organization, and with Meyer Lansky, notorious international racketeer figure. Jacobs resorted to various legalities to avoid questioning, and died before he could be interrogated. Thereafter his wife and sons took over direction of Emprise.

The Bally Manufacturing Corporation of Chicago, formed by merger with the Lion Manufacturing Company, calls itself the largest producer of slot machines and one of the biggest manufacturers of pinball machines in the world. It boasts that it supplies about 90% of the one-armed bandits used in Nevada.

Bally machines, of the pinball payoff type, are a serious organized crime problem in Louisiana, where they are operated in violation of the law. Thousands of these machines have created law enforcement problems all across the state. The powerful influence of the pinball racketeers was disclosed in our recent Legislative Committee hearings and was further evidenced by their ability to block every effort to pass a law which would ban them here.

It is, therefore, important for your Commission to know that Sportservice or Emprise has had a major financial interest in the Bally Company.

According to official records in Nevada and New York State, an officer of Bally Manufacturing Company admitted that he and Louis Jacobs of Emprise each acquired 25% of the stock of Bally at a time when Irving Kaye and Abe Green each bought 12½% of the stock. Kaye is a partner of Jerry Catina in the Kaye Manufacturing Company, Brooklyn. Abe Green either works for, or is a partner of, Jerry Catina in the Runyan Sales Company, coin device distributors in the East. As mentioned before Catina has been officially identified as Boss of the Northern New Jersey Cosa Nostra, and successor to Vito Genovese in the National LCN Commission. Although Jacobs reportedly sold out his interest in Bally to his partners in 1964, it is significant that he again formed economic alliances with major figures in organized crime.

It appears reasonable to conclude from the extensive Emprise record, of which I have mentioned brief extracts, that they and their affiliate companies are given to deception and organized crime alliance. This is a particularly dangerous combination to entrust with authority to operate a racetrack, which is an endless source of such law enforcement problems.

For example, the Fair Grounds expends between $300,000 and $350,000 on security measures during a racing season, I am told. They frequently ban from the track such notorious Marcello-connected gamblers as Sam DiPiazza and Frank Timphony. Carlos Marcello was, and probably still is, considered persona non grata at all tracks which belong to the Thoroughbred Racing Protective Bureau. It is not logical to expect that track management will ban their friends, or friends of friends.

There is need for another important consideration, in view of the deceptive patterns of Emprise. It must be remembered that food and beverage concessions handle a major part of the money expended at the track. Parimutuel mechanically records the betting handled. But the concession business is all cash, without reliable record keeping devices. The concessionaire, Emprise's Sportservice, can if so inclined make any arbitrary report on income. Opportunities for tax-cheating are great. Only completely reliable and ethical management can be depended upon to not take advantage of these opportunities. In that connection, it should be noted that the Fair Grounds operates its own concessions.

We strongly urge, on the basis of the information in possession of the Racing Commission, that it refuse to license racing to the present ownership of Jefferson Downs. And that it not grant such authority until ownership is in the hands of more acceptable proprietors, who will first have been thoroughly checked out by the State Police Intelligence Division.

It may well be that, as in the case of the Fair Grounds, local ownership and management of both track and concessions, carefully screened, will result.

INTER-AMERICAN ASSOCIATION FOR DEMOCRACY AND FREEDOM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I am associated with the Inter-American Association of Democracy and Freedom in New York City. Mr. Francis R. Grant, secretary general of this organization, has for many years devoted himself to exposing and protesting the activities of dictatorships in the Americas. The road he traveled has been rocky, but he has continued his public efforts.

The following article explains some of the problems facing the association presently. I commend this article to my colleagues:

"WE SURVIVED"—MAY 1950–MAY 1971, A FRANK APPEAL TO NORTH AND LATIN AMERICANS WHO STILL BELIEVE THAT DEMOCRACY AND FREEDOM MAY BE SAVED IN THE AMERICAS

(By Frances R. Grant, Secretary General)

This month, May 1971, the Inter-American Association for Democracy and Freedom marks the twenty-first year since it was founded at the historic meeting in Havana.

It was the Abbé Sieyes who, when he was asked how he had served the French Revolution, answered, "We survived."

There are times in human history when sheer survival is an achievement. For men must pit their courage, compassion, integrity, hope and even desperation against the unremitting forces which would destroy men's freedom and pursuit of happiness.

Yes, we survived. But we wonder whether the North and Latin American friends of democracy and freedom have ever considered the price of that survival for the few—the very few—who shared our responsibilities in this period of augmenting tyrannies.

During these 21 years, the IADF has again and again protested and exposed the oppressions by Latin American dictators; it has been the constant advocate for help and the release of the thousands of political prisoners in Latin America, men and women robbed of their freedom, constantly subjected to torture and frustrated in their just demands for juridical redress. In these 21 years thousands of political exiles from Latin American tyrannies have turned to us for help in obtaining political asylum; in their immigration problems; in their lack of work, and, as much, in their need for friendship and moral fortifications against indignities which beset fighters for freedom in alien lands, when deprived of their country and their birthright.

The IADF has played many roles in this "coming of age." And the struggle is now more intense, in a present moment when there are not only the overt tyrants, but also the amorphous and anonymous foes of freedom, who cross all boundaries and all continents to vitiate the individual's right to dignity and happiness.

However, this appeal is not intended as a paean for self-glorification. For already, the democratic leaders of Latin America, who bore the brunt of the struggle against the dictatorships—Venezuela, Colombia, Argentina, Peru, Cuba, Honduras, Nicaragua, Haiti, the Dominican Republic, Brazil, Paraguay—have given their testimony to the past and present role of the IADF in their struggle.

Instead this Appeal is directed to the needs of the present struggle and to all who would save Democracy and Freedom in the Americas that they join us in an Army of Survival, so that liberty may not be stifled in the Americas.

For ourselves—and there are still, alas, too few—we are determined not to leave the field of battle nor lose the war by default. But we ask all friends of democracy and freedom in the Americas, to stand up and be counted, and help us in the struggle ahead.

REPRESENTATIVE DWYER'S CEASE-FIRE PROPOSAL

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. DWYER. Mr. Speaker, in my remarks today in support of the Nedzi-Whalen amendment to the Military Procurement Authorization bill, I referred to a newsletter I issued a year ago which

explains in detail my proposal for a U.S.-initiated cease-fire as a means of ending the war in Southeast Asia.

I include the text of that newsletter as a part of my remarks:

JUNE 4, 1970.

A "THIRD WAY" TO END THE WAR

For me, the experience of these four or so weeks since U. S. troops moved into Cambodia—the sudden and startling (but completely understandable) way this event gripped our minds and emotions, the more than 2,000 letters and telegrams which constituents were moved to send me, the nearly 1,000 more contituents who felt the compulsion to come to Washington for lengthy discussions with me and my staff—has served above all to confirm three fundamental truths:

First, that almost all Americans want to end the war in Indochina and withdraw American forces as soon as possible;

Second, that we are sharply and often bitterly divided about the means we believe most desirable for accomplishing these objectives—with the division generally polarized around two main strategies: (a) unilateral U.S. withdrawal as of a fixed date sometime in 1971, and (b) President Nixon's policy of gradual withdrawal over a time span long enough to Vietnamize the war; and

Third, and most important, that a third alternative, a "third way"—acceptable to both groups—must be found in order not only to end the war but to end it in a way that will restore national unity here at home.

A FIVE-POINT TEST

In order to be acceptable, this "third way" of ending the war must, I suggest, meet these tests: (a) lead to the earliest possible halt to the killing and destruction, (b) protect the safety of American forces and assure their early withdrawal, (c) assure the simultaneous withdrawal of North Vietnamese forces, thus precluding any appearance of American "sell-out" or "surrender," (d) provide a realistic chance for a political instead of military solution to the war through resumption of meaningful negotiations in Paris, and (e) offer a maximum opportunity for the Vietnamese people themselves to determine their own fate.

Few Americans, despite our present differences on the war, would dispute these objectives, I suspect. Just as surely, however, neither immediate withdrawal nor gradual withdrawal-plus-Vietnamization could be expected to achieve more than two or three of the five objectives at most. This is especially true of the first, for either immediate or gradual withdrawal would undoubtedly perpetuate the fighting and the killing—though ultimately, at least, without direct U.S. participation.

I recognize that we may finally have no other option but withdrawal of some kind, but with national unity and the ending of a horrible war at stake, I believe we have both a moral and practical obligation to seek the best possible solution so long as it may be open to us, a solution that meets *all* the tests I have suggested.

THE "THIRD WAY": A CEASE-FIRE

A cease-fire is the way—the "third way"—a cease-fire that is mutually binding and enforceable.

But to be effective—to have a chance to lead to a peaceful settlement of the war on the five-point basis I've proposed—the cease-fire must be credible. And to be credible it must be more than talk, or a gesture, or a "you go first" proposal, or an ultimatum. We, the United States, must take the initiative and we must do so in a way that will convince the communists, the rest of the world, and especially ourselves that we really mean it.

For about four years now, as many of you know, I have been proposing such a cease-fire initiative—a series of initiatives, if necessary—in newsletters, speeches, statements, and in letters and personal conversations with Presidents Johnson and Nixon, their chief advisors, and my Congressional colleagues. But never before have the timing and the circumstances—and the need—seemed so immediate and right and hopeful.

Briefly, the "scenario" for my plan goes this way. As soon as feasible—the completion of our withdrawal from Cambodia would seem particularly appropriate—the President would publicly announce that as of a date and time certain all aggressive action by U.S. forces (air, land and sea) would cease for a limited period of time (two or three days, perhaps) long enough to allow the North Vietnamese and Vietcong to join in the cease-fire either tacitly or officially.

THE KEY: REPEATED INITIATIVES

If they did so, a UN or other ad hoc international truce supervision force would be ordered into South Vietnam to monitor the ceasefire and the withdrawal of all foreign forces—a move which, in turn, would undoubtedly simulate effective negotiations. If the communists refused to accept or abide by the cease-fire, we would, of course, reserve the right to defend ourselves against attack. But at the same time, the President would announce that the U.S. would repeat the cease-fire initiative in two weeks time. If that, too, failed, it would be repeated a third and fourth time—until the communists were convinced the U.S. was serious about ending the war.

The combination of a U.S. initiative and the declared intention to repeat that initiative would, I believe, make the difference between cease-fire proposals which have been mere gestures and the real thing.

If one accepts the premise, as I do—because I believe it inescapable after all these years—that there is no ideal or certain solution to the war, that whatever we do may not be adequate or lasting or completely satisfactory, then the wisdom of trying for a cease-fire becomes compelling, for these, among other, reasons:

(1) we would know whether it would work, or could work, in a relatively short time—a matter of weeks;

(2) if it did work, we would have an improved chance to win objectives in Southeast Asia we all want;

(3) if it didn't work, all our other options would still be open and, more importantly, we would be considerably more unified as a result of the experience of making an open, demonstrably genuine, and wholehearted effort to end the war.

NOTHING TO LOSE, MUCH TO GAIN

In other words, we have little or nothing to lose and potentially a great deal to gain by trying this cease-fire idea or something like it.

UNITED STATES CALLED NEGLIGENT ON POISON

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, I would like to call my colleagues' attention to a May 30, 1971, Washington Post article dealing with the action taken on the initial test of the new Occupational Safety and Health Act of 1970.

On the one hand, it is gratifying to note that some action has been taken to alleviate a hazardous working condition. Indeed, the Washington Post refers to this precedent case as "an historic first in the fight for a cleaner and safer workplace." However, it is painfully disturbing to read accusations that the Labor Department may have been lax in meeting its responsibility to protect workers.

The Occupational Safety and Health Act is a long-awaited piece of legislation of vital importance to millions of workers. Thorough and successful implementation of this act will appreciably rectify many of the grievous dangers which have historically beset the workingman.

It is our responsibility to oversee the execution of this legislation, and I would like to take this opportunity to make it quite clear that we will most assuredly meet that responsibility.

The text of the article follows:

UNITED STATES CALLED NEGLIGENT ON POISON

(By Morton Mintz)

A physician-chemist yesterday accused the Labor Department of leisurely handling of a complaint of "imminent" danger from concentrations of poisonous mercury vapor at the Allied Chemical Corp. plant in Moundsville, W. Va.

The department "neglected its legal responsibility to protect workers," Dr. Sidney M. Wolfe of the Medical Committee for Human Rights said in a letter to Labor Secretary James D. Hodgson.

The complaint of "imminent" hazard—the first made under the new Occupational Health and Safety Act—was filed by the Oil, Chemical and Atomic Workers International Union, AFL–CIO, on May 14. Friday, 14 days later, the department ordered the plant to stop exposing its workers to dangerous mercury fumes.

One worker is in a hospital with tremors and other classic signs of mercury poisoning, The Washington Post disclosed in yesterday's editions. Eight others have filed for workmen's compensation on the ground of claimed mercury exposure. In addition, a Public Health Service official said that urine specimens taken from several workers show above-normal mercury levels.

Officials of Allied Chemical, which produces chlorine at the Moundsville facility, said there is no evidence of mercury poisoning among the employees, on the basis of tests in their own and other laboratories.

In the letter to Secretary Hodgson, Dr. Wolfe said the department's delay in acting on the May 14 complaint, "considering the imminence of the danger involved," has been "phenomenal." Not until May 19 did a department inspector survey the plant, Wolfe said.

The most exacting tests could have produced results "in 1 or 2 days," but as of May 26 "the results still were not available and no action had been taken," the letter continued. The results became available Friday. That day, the department ordered the contamination eliminated by next Wednesday.

YOUTH PHYSICAL FITNESS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, each year the U.S. Marine Corps sponsors a youth physical fitness program in secondary schools throughout the Nation. This program, conducted in support of the Presi-

dent's Council on Physical Fitness and Sports is based on the five-exercise physical fitness examination used in Marine recruit training and has been well received by coaches, principals, and students.

This year, more than 300,000 students representing over 1,300 high schools, participated in the program. Twelve teams, having previously won regional championships, competed for national honors on June 17. One of these teams, North Hagerstown High School, is from the Sixth Congressional District. In light of their excellent efforts in reaching the final competition, I would like to take this opportunity to recognize those students who participated for YPF honors—

Mr. James W. Brown, Hagerstown, coach.

Mr. Allen R. Bennett, Hagerstown, son of Mr. and Mrs. Vernon Bennett.

Mr. Edward B. Coles, Hagerstown, son of Mr. and Mrs. Edward W. Coles.

Mr. Ronnie Krowl, Hagerstown, son of Mr. and Mrs. John Krowl.

Mr. Lee Mumma, Hagerstown, son of Mrs. Louise R. Mumma.

Mr. Eugene K. Ridenous, Hagerstown, son of Mr. and Mrs. John F. Ridenour.

Mr. George D. Russell, Hagerstown, son of Mr. and Mrs. George W. Russell.

They are all to be congratulated for a job well done.

AIRPORT AND AIRWAYS SYSTEM IN THE UNITED STATES

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PETTIS. Mr. Speaker, as a currently rated commercial pilot and former airline pilot I have a strong feeling, that the American public little realizes the inadequacy of the airport and airways system in the United States.

No country in the world can match our aviation technology, why then have we not given the American public the safety to which it is entitled when it uses the airports and airways of America?

Recently, John J. O'Donnell, president of the Air Line Pilots Association appeared before the Subcommittee on Transportation and Aeronautics of the Interstate and Foreign Commerce Committee of the House. I commend his remarks to my colleagues. He makes a lot of sense:

STATEMENT BY JOHN J. O'CONNELL

I am John J. O'Connell, President of the Air Line Pilots Association.

Our Association represents 31,000 airline pilots of 39 commercial airlines and 12,000 stewards and stewardesses of 22 U.S. commercial airlines.

I appreciate this opportunity to appear before your Committee to express the serious concern the members of our Association have regarding the Department of Transportation's appropriations request for fiscal 72.

In recognition of your Committee's important mission and the limited time available for all participants who wish to be heard, I will confine my remarks to two important areas seldom understood by persons other than pilots who fly the system and have the safety of their passengers as their prime concern—men who must perform without all of the available safety tools of the trade.

(Supplementary data important to the documentation of our position is offered for the record.)

Let me emphasize this one point. Air Line Pilots Association members concur wholeheartedly with the feelings being expressed here before your Committee. We are shocked by the violation of trust that is being perpetrated on the aviation community, users of the airport/airways system, and the public itself whose taxes are being collected for the prime objective of purchasing a modern, safe and efficient airport/airways system.

We, who command and fly the airliners of this nation, have for many years fought for maximum safety within the airport/airways environment; many times without audience until tragedy struck.

On numerous occasions, prior to today, we have testified before Congressional leaders and groups. We have appealed for action that would eliminate or reduce substantially the waste of lives, equipment and property resulting from inadequate or antiquated equipment, while new more efficient tools are available but not installed.

The need for funds to upgrade the nation's air transportation system inspired our Association to vigorous action in support of Airport/Airways Trust Fund legislation last year. It is our judgment that distribution of these funds as designated by Congress could have been weighted more heavily to insure airports will be safer for the final approach and the landing phases. But, the important thing is the fund was created. We are proud of having made an important contribution to this major legislative action and look forward to working with Congress on future modifications and requirements that may develop.

During the past ten years there were 19 fatal and 32 non-fatal accidents resulting in 587 deaths and a monetary loss of over $111 million during *non*-precision landing approaches. These are approaches airline pilots are required to make when the runway to be used does not have a precision instrument landing system (normally referred to as an ILS).

Gentlemen, today in this great nation of ours approximately 90% of the runways of our 530 air carrier airport system do not have instrument landing systems and other important landing aids required for precision approaches. Yet these are the runways airline pilots are required to use in good weather and bad.

Almost as many runways do not have Visual Approach Slope Indicators (normally called VASI). These lighting systems are designed to provide the pilot with a visual track to follow to the runway touchdown position when visibility permits.

ALPA research shows that approximately 1,722 runways used by airline pilots on a continuing basis do not have either precision instrument landing systems (ILS), visual approach slope indicators (VASI) or runway end identification lights (REIL). The latter provides positive visual identification of the runway threshold under poor visual conditions.

Ironically, after we had reviewed the ten-year accident history data, two tragic accidents involving airliners occurred during the past four days. Again, these accidents point up the tragic cost of these inadequacies which still have not been corrected even though the remedies and the equipment have been available for a decade.

How would anyone in government explain to the loved ones of 49 persons aboard the Air West DC-9, lost last weekend, that a contributing cause to death is a system that will permit two jet aircraft to be on a collision course on different flight plans, several miles above the earth?

How can anyone really explain or excuse the death of 28 persons aboard the Allegheny Airlines' propjet last Monday that was attempting a non-precision approach at the New Haven airport? The airport manager is quoted as saying the crash "would not have happened if the airport had an instrument landing system."

Another accident still haunts us. It occurred at Huntington, West Virginia, last November and it is still under investigation by the National Transportation Safety Board. There were no survivors among the 75 passengers and crew of a chartered Southern Airways DC-9 that impacted on a hilltop in restricted visibility during a non-precision approach. That airport did not have a full instrument landing system, now it does—75 lives too late.

I could name other similar accidents, two at Bradford, Pennsylvania, one at Charleston, West Virginia. All suffered from the lack of precision landing system services at the time. These are terrible losses, too costly in lives to excuse. But still there is pitifully little action.

I emphasize again, the fact that only about 10% of the runway approaches used by U.S. airliners do have complete instrument landing systems which give the added margin of safety the air traveling public deserves.

To place ILS systems on the remaining unprotected 90% of the runways—not now programed for such installation by 1981—will cost $250 million additional. The systems are proved and the manufacturing capability is available. All we need is $250 million in trust funds and simplification of government paper work to speed the installation of these systems at these unprotected runways.

Let me draw comparison for a moment. We have been told the reason such systems have not been installed is due to lack of funds. Now, you the Congress have provided the National Air Transportation modernization trust fund to remedy this situation. Still the money has not been designated for ILS installations. Only 310 systems are installed, 1,810 are needed as of now.

However, the FAA finds time and energy to plan for modernization and enlargement of its private aircraft fleet. It intends—with Congressional approval, I assume—to spend more than $123 million for its aircraft fleet by 1981. This figure, of course, does not include the operational costs of its present roster of 90 aircraft.

Let's look at the breakdown of these costs.

[In millions]

Airways Checking Aircraft (Including Modification and Electronic Packages)	$69.2
Research and Development Aircraft	10.1
Flight Training Aircraft (Including Modifications, Simulator and Avionics)	44.2

The total planned new aircraft procurement amounts to $123.5 million. This money alone would finance more than half of the ILS systems needed—would accelerate achievement of an acceptable safety level for the total system. Perhaps with fleet operational savings we could achieve a goodly portion of the remaining $126.5 million needed to complete the package. More importantly, such redirected priorities may save the lives of another 587 passengers and prevent the loss of another $111 million-plus investment by 1981. *This is the real price we cannot afford to ignore any longer.*

We realize airways and approach systems require checking and monitoring. But there are other ways that are less expensive than a fleet of aircraft larger than 80% of the airlines they are supposed to assist.

The need to spend $44 million for aircraft and simulators for flight training of FAA personnel is a facade, a game of blind man's bluff.

Is anyone (other than FAA) foolish enough to suggest that an FAA inspector of limited

airline experience, if any at all, who received at best minimum flying in these high performance jet aircraft, qualified to judge the competence of a highly skilled professional airline pilot, whose very day-to-day survival depends on his skill and judgment?

The number of deaths that have occurred during flights that FAA inspectors have been aboard during training and proficiency check rides compared to the total training hours spent in the air by airline pilots does not reflect increased safety by their presence. It is the collective judgment of the 31,000 airline pilots I represent, that the man who checks them and judges their proficiency should be at least as qualified and experienced as they are. Such a system is like having a law student judge the competence of a supreme court justice.

Therefore, we believe FAA should return to the airline check airman and FAA designee system similar to that now in effect for non-jet aircraft.

Mr. Chairman, if trust funds are to be diverted for administrative and operational purposes, I condemn the practice and place the responsibility for future accidents squarely upon the shoulders of those responsible for such decisions.

I have shown that we are woefully short in the approach landing area alone. There are many other safety related programs that could move forward as well, if the trust fund money is applied according to the intent of Congress.

Testimony prior to this hearing in these chambers, has defended the Administration's plan to siphon off the funds for other than facilities and airport/airways modernization purposes.

In recent statements reported in Aviation Daily (June 3, 1971) Secretary of Transportation John A. Volpe appeared to contradict himself as to the real intentions of the Department. He is reported to have said in the National Aviation System Planning Conference speech that "all monies from the aviation trust fund that are used in the special transportation special revenue sharing fund will be used to further aviation. The integrity of the aviation trust fund will not be violated."

At a May 10 seminar he reported that President Nixon has proposed setting up a special transportation fund amounting to nearly $3 billion a year to be allotted to state and local governments . . . Under the proposal, funds will come from four sources—highway trust fund, airport trust fund, urban mass transit appropriations and finally general revenues. The report quoted him as saying "those funds which derive from urban mass transit revenues must be spent for the furtherance of urban mass transportation. The remainder of the transportation special revenue sharing fund may be spent for any other type transportation project selected by local officials."

This information clearly illustrates the double-talk that has been coming from the Administration in regards to diversion of aviation trust funds.

The 43,000 members of the Air Line Pilots Association deplore the intention of the Administration and urge this committee and the United States Congress to make sure that legislative restraints are placed on such free-wheeling interpretations of an otherwise very clearly defined bill. Such budgetary subterfuge is an insult to the Congress and the American people.

We endorse the provisions of HR7072 and similar bills and urge speedy passage.

Your action will hasten the day when all air carrier airports serving the air traveling public will have modern, safe facilities and equipment. It will provide the pilots who man those planes with confidence that their passengers will be delivered on-time, safely under good weather and bad. When they break out of the fog at 200 or 100 feet, at 160 or 170 miles per hour, they will be confident that the runway threshold is there where it should be for a safe landing. Anything less than the best and the safest airports and approach systems will be measurable in accidents and deaths that are now preventable.

You and I will have room for little pride in our great FAA fleet, if one more preventable accidents takes your life or mine—or those of your loved ones, friends and constituents.

Trust fund money must be spent for better airports and airways facilities and equipment.

Thank you.

SUPPLEMENTARY DATA

(Submitted for record with statement by John J. O'Donnell)

SUMMARY COST ESTIMATES:[1] ILS, VASI AND REILS FOR ALL RUNWAYS NOT PRESENTLY EQUIPPED AND FAA AIRCRAFT COST FIGURES PROGRAMED TO 1981

		Cost (in millions)
Existing conventional ILS	310	
Conventional ILS proposed to 1981	325	$91.9
Replacement ILS proposed to 1981	454	97.5
Total ILS by 1981	1,089	189.4

[1] Numbers and estimates based on National Aviation System plan 1972–81 made by FAA, March 1971.

Airline Airports Estimated, 530.

Runway ends (estimated two runways/airport average), 2120.

Conventional ILS Runways in 1971, 310.

VASI and REIL Equipped in 1971, 88.

Runways without ILS in 1971, 1810.

Approximate airports without ILS in 1971, 300.

Runways without ILS, VASI or REIL in 1971, 1722.

As of 1971—Estimated cost to equip each runway not so equipped: ILS—1810x243,000=$439,830,000; VASI & REIL—1722x(20,000 VASI 10,000 REIL) $51,660,000.

As of 1971—Estimated cost to equip each airport not so equipped: With *One* ILS—300x243,000 $72,900,000.

Cost of 779 ILSs Programmed to 1981: $189,400,000.

Estimated additional cost of ILS for all runways ends at 1981: $250,430,000.

Programmed cost of FAA aircraft fleet to 1981 (not including existing fleet), $123,500,000.

Airways Checking Aircraft, Modification & Avionics, $69,200,000.

Research & Development Aircraft, $10,000,000.

Flight Training Aircraft, Modifications, Simulators & Avionics, $44,200,000.

INDIVIDUAL COST OF FAA FACILITIES[1] AND PROGRAMED INSTALLATIONS TO 1981

	Total Number by 1981	Establishment	Annual operating cost
Conventional full capability ILS (CAT II type)	635	$282,000	
Replacement low activity airport ILS	454	138,100	$29,000
Localizer plus 1 marker		85,600	15,000
Air traffic control tower (16-hr. day)	525	200,000	128,000
ASR/ATCRBS	273	1,050,000	348,000
Full approach light system with flashers	1,080	200,000	
Medium intensity approach light system (MALS/RAILS)		65,900	37,000
VASI 4 box (average)	469	20,000	
TVOR	148	80,000	
VOR	905	187,000	
TACAN/DME	905	39,000	
REIL	354	10,000	

[1] From FAA Correspondence and National Aviation System Plan, 1972–81, made by FAA March 1971.

LOGISTICS/JOB SUPPORT AIRCRAFT (F. & E. ITEM)

	On hand 1970	Anticipated 1981
L–1329	1	0
TV–2 Lockheed	1	0
G–159	1	0
C–123	1	0
DC–3	4	0
BE–80	4	0
BE–65	2	0
BE–55	4	0
Light turboprop	0	12
Light turbojet	0	4
Medium jet	0	1
Medium turboprop	0	1
Total	18	18

New Aircraft Funding Needed, $27.2 Million.

NEW RESEARCH SUPPORT AIRCRAFT (F & E ITEM)

Number by 1981, 6.

Funding Needed by 1981, $18.3 Million.

Heavy Turboprop, 1.

Light Turboprop, 3.

Twin Turbine Helicopter, 1.

Long Range Jet, 1.

Old CV–580 (retained), 1.

FAA PROGRAMMED COST OF AIRCRAFT PROCUREMENT BY TYPE AND USE FROM 1972–1981

FAA aircraft fleet—Number and cost summary program

Number Aircraft at present, 90; New 1972–1981, 53; On Hand 1981, 62.

New Aircraft Funding Needed by 1981, $123.5 Million.

Funding by type use 1972–1981

Airways Aircraft Program (Facilities and Equipment), $69.2 Million.

Research and Development Aircraft, $10.1 Million.

Flight Training Aircraft (F&E), $44.2 Million.

	On hand 1970	Inventory 1981
Flight inspection aircraft (F. and E. item) 1970–81:[1]		
C–135	2	0
CV–580	4	0
T–29 Convair	3	0
DC–3	43	0
Light turbo	0	21
Light turbojet	5	5
Heavy turbo	0	1
Total	57	27
Flight training aircraft (F. and E. item):[2]		
B–720	1	1
B–727	1	1
DC–9	1	1
L–188	1	0
DC–3	2	0
STOL	0	2
Light twin	0	2
Light turbojet	0	3
Total	6	10

[1] New aircraft funding needed, $69,200,000.

[2] New aircraft funding needed, $44,200,000.

SUMMARY

Nonprecision approach accident statistics, 10 years, 1961–1970

Number of People killed, 559.

Number of Fatal Accidents, 18.

Number of Non Fatal Accidents, 32.

Estimated value of aircraft damage	$58,000,000
Estimated insurance cost of people killed	28,000,000
Estimated additional costs of loss of revenue, insurance and investigation 50 Accidents at $500,000 each	25,000,000
Total	111,000,000

U.S. AIR CARRIER FATAL ACCIDENTS—UNDERRUN—NONPRECISION APPROACHES, 10 YEARS, 1961–70

Date	Location	Air carrier	Aircraft	Damage	Fatalities
Nov. 8, 1951	Richmond, Va	Imperial	L–049	Destroyed	77
Dec. 14, 1962	Hollywood, Calif	FTL	L–1049H	do	8
Nov. 29, 1963	Morgantown, W. Va	Prudue	DC–3	Substantial	1
Mar. 12, 1964	Miles City, Mont	FAL	DC–3	Destroyed	5
May 7, 1964	San Ramon, Calif	PAC	F–27	do	44
Nov. 15, 1964	Las Vegas, Nev	BAL	F–27	do	29
Nov. 8, 1965	Constance, Ky	AAL	B–727	do	58
Apr. 22, 1966	Ardmore, Okla	AFAX	L–188	do	83
Oct. 20, 1967	Constance, Ky	TWA	CV–880	do	69
June 13, 1968	Calcutta, India	PAA	B–707	do	6
Aug. 10, 1968	Charleston, W. Va	PAI	FH–227	do	35
Oct. 25, 1968	Hanover, N.H	NEA	FH–227	do	32
Dec. 24, 1968	Bradford, Pa	AAA	CV–580	do	20
Jan. 6, 1969	Bradford, Pa	AAA	CV–440	do	11
Mar. 13, 1969	Minchumina, Alaska	WCA	DHC–6	do	1
Oct. 10, 1970	McGuire AFB, N.J	SAT	L–100	do	3
Nov. 14, 1970	Huntington, W. Va	SOU	DC–9	do	75
Dec. 28, 1970	St. Thomas, V.I	TCA	B–727	do	2
	Total				559

U.S. AIR CARRIER NONFATAL ACCIDENTS—NONPRECISION APPROACHES, 10 YEARS, 1961–70

Date	Location	Air carrier	Aircraft	Damage
Feb. 18, 1961	Stuttgart, Germany	PAA	DC–7	Substantial.
Feb. 25, 1961	Houston, Tex	BNF	B–720	Do.
Mar. 26, 1961	St. Louis, Mo	TWA	B–707	Do.
July 5, 1961	Bismarck, N. Dak	FAL	DC–3	Do.
Oct. 10, 1961	Des Moines, Iowa	BNF	CV–340	Do.
Nov. 19, 1961	Tri-cities, Bristol, Tenn	PAI	DC–3	Do.
Nov. 23, 1961	Morgantown, W. Va	LCA	DC–3	Do.
Dec. 2, 1961	Jacksonville, Fla	DAL	DC–7	Do.
Jan. 26, 1962	Fort Lauderdale, Fla	NWA	B–720B	Do.
Apr. 27, 1962	Manila, Philippines	PAA	B–707	Do.
Aug. 6, 1962	Rocky Mount, N.C	PAI	M–404	Do.
Dec 21, 1962	Grand Island, Nebr	FAL	CV–340	Do.
May 28, 1963	Manhattan, Kans	STD	L–1049G	Destroyed.
June 5, 1964	La Guardia, N.Y	NEA	DC–6B	Substantial.
July 16, 1964	Richmond, Va	EAL	DC–7B	Do.
Sept. 22, 1964	Sacramento, Calif	WAL	B–720	Do.
Jan. 21, 1965	Weyers Cave, Va	PAI	M–404	Do.
Apr. 27, 1965	Ponce, P.R	CBA	CV–340	Do.
May 18, 1965	Knob Noster, Mo	AAXICO	DC–6A	Destroyed.
Sept. 14, 1965	Stevens Point, Wis	NCA	DC–3	Substantial.
Oct. 16, 1965	Charlotte, N.C	EAL	DC–7	Do.
Mar. 21, 1966	Norfolk, Va	FTL	CL–44D	Destroyed.
June 29, 1966	Mojave, Calif	AAL	B–720B	Substantial.
Oct. 22, 1966	New Orleans, La	DAL	DC–8	Do.
Oct. 5, 1967	Kansas City, Mo	UNI	DC–6A	Do.
Nov. 1, 1967	Great Falls, Mont	FAL	CV–340	Do.
Jan. 1, 1968	Oxford, Miss	SOU	M–404	Destroyed.
Jan. 28, 1968	Benton Harbor, Mich	NCA	CV–440	Substantial.
Mar. 20, 1968	Evansville, Ind	DAL	CV–440	Destroyed.
Sept. 27, 1968	Cherry Point, N.C	UNI	DC–7C	Do.
1969	None in category			
Jan. 11, 1970	Harlingen, Tex	TXI	DC–9	Substantial.
Aug. 8, 1970	Acapulco, Mexico	MOD	CV–990	Destroyed.

AIRLINE AIRPORT SUMMARY

(May 1971)

A list of the airline airports in the United States, including Puerto Rico and the Virgin Islands, showing the number of runway ends, ILS, localizers, VASIs and back-course approaches. In this summary the following is shown:

Airports, 578.
Runway Ends, 2,200.
ILS, 280.
Localizer only installations, 19.
VASI (including AVASI), 119.
Back courses with approach procedures, 50.

The above list includes all airports having runways at least 4,000 feet in length. "Runway ends" includes only those runways of 4,000 feet or more in length.

NOTE.—The sources for the airport listing are the ALPA "Master Airport List" and the World Aviation Directory; the Jeppesen Manuals provided the data.

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Alabama:					
Anniston	2	0	1	0	0
Birmingham	4	1	0	1	1
Decatur	2	0	0	0	0
Dothan	4	0	1	0	0
Gadsden	4	0	0	0	0
Huntsville	4	1	0	0	1
Mobile	6	1	0	0	0
Montgomery	6	1	0	0	1
Muscle Shoals	4	0	1	0	0
Tuscaloosa	4	0	0	0	0
Total	40	4	3	1	3
Alaska:					
Adak	4	0	0	0	0
Amchitka	2	0	0	0	0
Anchorage	6	2	0	3	0
Aniak	2	0	0	0	0
Annette Island	2	1	0	0	0
Attu	2	0	0	0	0
Barrow	2	0	0	2	0
Barter Island	2	0	0	0	0
Bethel	12	0	0	1	0
Bettles	12	0	0	0	0
Big Mountain	12	0	0	0	0
Cape Lisborne	12	0	0	0	0
Cape Mewenham	12	0	0	0	0
Cold Bay	4	1	0	1	1
Cordova	2	0	0	1	0
Dillingham	12	0	0	0	0
Fairbanks	2	1	0	1	1
Fairwell	14	0	0	0	0
Fort Yukon	12	0	0	0	0
Galena	2	0	0	2	0
Gulkana	2	0	0	0	0
Gustavus	4	0	0	0	0
Haines	12	0	0	0	0
Homer	2	0	0	1	0
Iliamna	12	0	0	0	0
Juneau	2	0	1	1	0
Kenai	2	0	0	1	0
King Salmon	4	1	0	2	0
Kodiak	6	0	0	1	0
Kotzebue	2	0	0	1	0
McGrath	2	0	0	0	0
Middleton Island	12	0	0	0	0
Moses Point	2	0	0	0	0
Nome	4	0	0	1	0
Northway	2	0	0	0	0
Port Heiden	4	0	0	0	0
Shemya	4	0	0	0	0
Sitka	2	0	1	2	0
St. Paul	2	0	0	0	0
Tanana	12	0	0	0	0
Umat	2	0	0	0	0
Unalakleet	12	0	0	1	0
Utopia	12	0	0	0	0
Yakutat	4	0	0	0	0
Total	114	6	2	22	2
Arizona:					
Flagstaff	2	0	0	0	0
Grand Canyon	2	0	0	0	0
Kingman	6	0	0	0	0
Page	2	0	0	0	0
Phoenix	4	0	0	1	0
Prescott	4	0	0	0	0
Tucson	6	0	0	0	0
Winslow	4	0	0	0	0
Yuma	8	0	0	0	0
Total	38	0	0	1	0
Arkansas:					
El Dorado	6	0	0	0	0
Fayetteville	2	0	0	0	0
Fort Smith	4	1	0	0	1
Harrison	2	0	0	0	0
Hot Springs	4	0	0	0	0
Jonesboro	6	0	0	0	0
Little Rock	6	1	0	0	1
Pine Bluff	2	0	0	0	0
Texarkana	4	1	0	0	0
Total	36	3	0	0	2
California:					
Apple Valley/San Bernadino	2	0	0	0	0
Arcata	4	1	0	1	0
Bakersfield	4	1	0	0	0
Blythe	6	0	0	0	0
Burbank	4	1	0	0	0
Chico	2	0	0	0	0
Crescent City	4	0	0	0	0
Fresno	4	1	0	0	1
Imperial	2	0	0	0	0
Inyokern	2	0	0	0	0
Lancaster	2	0	0	0	0
Long Beach	10	1	0	0	1
Los Angeles	8	4	0	2	2
Marysville	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Merced	2	0	0	0	0
Modesto	4	0	0	0	0
Monterey	4	1	0	0	0
Oakland	8	2	0	0	1
Ontario	4	1	0	0	1
Oxnard	2	0	0	0	0
Palm Springs	2	0	0	0	0
Redding	4	0	0	0	0
Riverside	2	0	0	0	0
Sacramento	6	1	0	0	1
Salinas	4	0	0	2	0
San Diego	4	1	0	0	1
San Francisco	8	2	0	1	1
San Jose	4	1	0	0	1
San Luis Obispo	4	0	0	0	0
Santa Ana	2	1	1	0	1
Santa Barbara	4	1	0	0	0
Santa Maria	4	0	0	0	0
Santa Rosa	4	0	0	0	0
South Lake Tahoe	2	0	0	1	0
Stockton	2	1	0	0	0
Visalia	2	0	0	0	0
Total	140	21	1	7	11
Colorado:					
Alamosa	2	0	0	0	0
Colorado Springs	6	1	0	2	1
Cortez	2	0	0	0	0
Denver	6	2	0	2	2
Durango	2	0	0	0	0
Grand Junction	4	1	0	0	0
Gunnison	2	0	0	0	0
Hayden	2	0	0	0	0
Lamar	2	0	0	0	0
Montrose	2	0	0	0	0
Pueblo	8	2	0	0	1
Total	38	6	0	4	4
Connecticut:					
Bridgeport	6	0	0	0	0
Groton	6	0	0	0	0
New Haven	4	0	0	1	0
Windsor Locks	6	1	0	1	1
Hartford	2	0	0	0	0
Total	24	1	0	2	1
Delaware: Wilmington	8	1	0	0	0
Florida:					
Daytona Beach	2	1	0	0	0
Fort Lauderdale	4	1	0	0	0
Fort Meyers	4	0	0	1	0
Gainesville	6	0	0	0	0
Jacksonville	4	1	0	0	1
Key West	2	0	0	0	0
Melbourne	4	0	0	0	0
Miami	8	2	0	3	2
Ocala	2	0	0	0	0
Orlando	4	1	0	0	1
Panama City	4	1	0	0	0
Pensacola	4	1	0	0	1
St. Petersburg	6	1	0	0	1
Sarasota	4	0	0	1	0
Tallahassee	4	1	0	0	1
Tampa	6	2	0	0	2
Vero Beach	4	0	0	0	0
West Palm Beach	4	1	0	1	1
Total	76	13	0	6	10
Georgia:					
Albany	4	0	0	0	0
Athens	4	0	0	0	0
Atlanta	8	3	0	2	1
Augusta	4	1	0	0	0
Brunswick	6	0	0	0	0
Columbus	2	1	0	0	1
Macon	4	1	0	0	0
Moultrie	4	0	0	0	0
Rome	6	0	0	0	0
Savannah	6	1	0	0	1
Valdosta	6	0	0	0	0
Waycross	6	0	0	0	0
Total	60	7	0	2	3
Hawaii:					
Hito	4	1	0	1	0
Honolulu	6	1	0	1	0
Kahului	4	1	0	0	1
Kailua	2	0	0	1	0
Kamuela	2	0	0	0	0
Lanai	2	0	0	0	0
Lihue	2	0	0	0	0
Total	22	3	0	3	1
Idaho:					
Boise	4	1	0	0	0
Burley	4	0	0	0	0
Coeur D'Alene	6	0	0	0	0
Idaho Falls	4	0	0	0	0
Lewiston	4	0	0	0	0
Pocatello	6	1	0	0	0
Sun Valley/Hailey/Ketchum	2	0	0	0	0
Twin Falls	2	0	0	0	0
Total	32	2	0	0	0
Illinois:					
Alton	4	1	0	0	0
Bloomington	2	0	0	0	0
Champaign	6	1	0	0	0
Midway	12	1	1	0	0
O'Hare	12	5	2	3	2
Danville	4	0	0	0	0
Decatur	6	1	0	0	0
Galesburg	2	0	0	0	0
Marion	2	0	0	0	0
Mattoon	2	0	0	0	0
Moline	6	1	0	0	1
Mt. Vernon	2	0	0	0	0
Peoria	6	1	0	0	1
Quincy	6	1	0	0	0
Rockford	6	1	0	0	1
Springfield	6	1	0	0	1
Total	84	13			
Indiana:					
Bloomington	2	0	0	0	0
Columbus	4	0	0	0	0
Evansville	4	1	0	0	0
Fort Wayne	6	1	1	0	1
Indianapolis	6	2	0	1	2
Kokomo	4	0	0	0	0
Lafayette	2	0	1	0	0
Marion	2	0	0	0	0
Muncie	4	0	0	0	0
Richmond	6	0	0	0	0
South Bend	8	1	0	0	1
Terre Haute	4	1	0	0	1
Total	50	6	2	1	5
Iowa:					
Burlington	4	0	0	0	0
Cedar Rapids	4	1	0	0	1
Clinton	2	0	0	0	0
Des Moines	4	1	0	0	1
Dubuque	4	0	0	0	0
Fort Dodge	4	0	0	0	0
Iowa City	4	0	0	0	0
Mason City	4	0	0	0	0
Ottumwa	4	0	0	0	0
Sioux City	6	1	0	0	1
Waterloo	6	1	0	0	1
Total	46	4	0	0	4
Kansas:					
Dodge City	4	0	0	0	0
Garden City	8	0	0	0	0
Goodland	2	0	0	0	0
Great Bend	6	0	0	0	0
Hays	2	0	0	0	0
Hutchinson	4	1	0	0	1
Liberal	6	0	0	0	0
Manhattan	2	0	0	0	0
Parsons	6	0	0	0	0
Salina	4	1	0	0	1
Topeka	6	1	0	0	1
Wichita	6	1	0	0	1
Total	50	3	0	0	3
Kentucky:					
Bowling Green	2	0	0	0	0
Frankfort	2	0	0	0	0
Lexington	2	1	0	0	1
London	2	0	0	0	0
Louisville	6	2	0	1	2
Owensboro	2	0	0	0	0
Paducah	4	0	0	0	0
Total	20	3	0	1	3
Louisiana:					
Alexandria	4	1	0	0	1
Baton Rouge	6	1	0	0	1
Fort Polk	2	0	0	0	0
Lafayette	4	1	0	0	1
Lake Charles	4	1	0	0	1
Monroe	6	1	0	0	0
New Orleans	6	1	0	0	1
Shreveport	4	1	0	0	1
Total	36	7	0	0	6
Maine:					
Auburn	2	0	0	0	0
Augusta	2	0	0	0	0
Bangor	2	1	0	0	0
Bar Harbor	2	0	0	0	0
Portland	4	1	0	1	0
Presque Isle	4	0	0	0	0
Rockland	4	0	0	0	0
Total	20	2	0	1	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Maryland:					
Baltimore	6	2	0	1	2
Hagerstown	2	0	0	0	0
Salisbury	6	0	0	0	0
Total	14	2	0	1	2
Massachusetts:					
Bedford	4	1	0	2	1
Boston	8	2	0	1	1
Hyannis	4	1	0	0	0
Martha's Vineyard	2	0	0	0	0
Nantucket	4	1	0	0	1
New Bedford	4	1	0	0	0
Worcester	4	1	0	0	0
Total	30	7	0	3	3
Michigan:					
Alpena	6	0	0	0	0
Battle Creek	8	1	0	0	1
Benton Harbor	2	0	1	0	0
Cadillac	2	0	0	0	0
Detroit (Metro)	8	3	0	0	0
Detroit (Willow Run)	10	1	0	0	1
Escanaba	2	0	0	0	0
Flint	6	1	0	0	1
Grand Rapids	2	1	0	0	1
Hancock	4	0	0	0	0
Iron Mountain	2	0	0	0	0
Ironwood	2	0	0	0	0
Jackson	2	1	0	0	0
Kalamazoo	2	1	0	0	1
Lansing	4	1	0	0	1
Manistee	2	0	0	0	0
Marquette	2	0	0	0	0
Menominee	2	0	0	0	0
Muskegon	4	1	0	0	0
Pellston	4	0	0	0	0
Pontiac	2	0	0	0	0
Saginaw	4	1	0	0	1
Sault Ste. Marie	2	0	0	0	0
Travers City	4	0	0	0	0
Total	88	12	1	0	7
Minnesota:					
Bemidji	4	0	0	0	0
Brainerd	4	0	0	0	0
Duluth	6	2	0	2	1
Fairmont	2	0	0	0	0
Hibbing	2	0	0	0	0
International Falls	2	0	0	0	0
Mankato	2	0	0	0	0
Minneapolis	6	3	0	1	3
Rochester	4	1	0	0	1
Thief River Falls	2	0	0	0	0
Winona	2	0	0	0	0
Worthington	2	0	0	0	0
Total	38	6	0	3	5
Mississippi:					
Columbus	2	0	0	0	0
Greenville	6	0	0	0	0
Greenwood	4	0	0	0	0
Gulfport	6	1	0	0	0
Hattiesburg	4	0	0	0	0
Jackson	4	1	0	0	0
Laurel	4	0	0	0	0
Meridian	4	1	0	0	0
Natchez	6	0	0	0	0
Oxford	2	0	0	0	0
Pascagoula	6	0	0	0	0
Picayune	2	0	0	0	0
Tupelo	4	0	0	0	0
Vicksburg	2	0	0	0	0
Total	56	3	0	0	0
Missouri:					
Cape Girardeau	4	0	0	0	0
Columbia	2	0	0	0	0
Jefferson City	2	0	0	0	0
Joplin	6	1	0	0	1
Kansas City (Municipal)	4	1	0	0	0
Kansas City International	4	2	0	0	2
Kirksville	2	0	0	0	0
St. Joseph	6	1	0	0	0
St. Louis	8	2	0	0	2
Springfield	4	1	0	0	1
Total	42	8	0	0	6
Montana:					
Billings	6	1	0	0	1
Bozeman	6	0	0	1	0
Butte	6	0	0	0	0
Glasgow	4	0	0	0	0
Glendive	2	0	0	0	0
Great Falls	6	1	0	0	0
Havre	2	0	0	0	0
Helena	4	0	0	1	0
Kalispell	6	0	0	0	0
Lewistown		0	0	0	0
Miles City	4	0	0	0	0
Missoula	6	0	0	0	0
West Yellowstone	2	0	0	0	0
Total	60	2	0	2	1
Nebraska:					
Alliance	8	0	0	0	0
Chadron	4	0	0	0	0
Columbus	2	0	0	0	0
Grand Island	6	0	0	0	0
Hastings	2	0	0	0	0
Kearney	6	0	0	0	0
Lincoln	6	1	0	0	1
McCook	2	0	0	0	0
Norfolk	4	0	0	0	0
North Platte	6	0	0	0	0
Omaha	6	1	0	0	1
Scotsbluff	6	0	0	0	0
Sidney	2	0	0	0	0
Total	60	2	0	0	2
Nevada:					
Elko	2	0	0	0	0
Ely	4	0	0	0	0
Fallon	2	0	0	0	0
Las Vegas	8	1	0	0	0
Reno	4	1	0	0	1
Total	20	2	0	0	1
New Hampshire:					
Berlin	2	0	0	1	0
Keene	4	1	0	1	0
Laconia	2	0	0	1	0
Lebanon	2	0	0	1	0
Manchester	4	1	0	0	0
Total	14	2	0	4	0
New Jersey:					
Atlantic City	6	1	0	0	0
Cape May	2	0	0	0	0
Newark	4	2	0	2	0
Teterboro	4	1	0	0	0
Trenton	4	1	0	0	0
Total	20	5	0	2	0
New Mexico:					
Albuquerque	8	1	0	1	1
Carlsbad	6	0	0	0	0
Clovis	4	0	0	0	0
Farmington	4	0	0	0	0
Gallup	2	0	0	0	0
Hobbs	6	0	0	0	0
Roswell	6	1	0	0	0
Sante Fe	6	0	0	0	0
Silver City	2	0	0	0	0
Total	44	2	0	1	1
New York:					
Albany	4	1	0	0	1
Binghampton	4	1	0	0	0
Buffalo	4	2	0	0	1
Elmira	6	1	0	0	0
Glens Falls	4	0	0	0	0
Islip	6	1	0	0	1
Ithaca	2	0	0	0	0
Jamestown	4	1	0	0	0
Massena	4	0	0	0	0
La Guardia	4	3	0	3	1
Kennedy	8	4	0	4	0
Ogdensburg	2	0	0	0	0
Olean	2	0	0	0	0
Plattsburg	6	0	0	0	0
Poughkeepsie	2	0	0	0	0
Rochester	8	2	0	0	1
Saranac Lake	6	0	0	0	0
Syracuse	4	1	0	0	1
Utica	4	1	0	0	1
Watertown	4	0	0	0	0
White Plains	6	1	0	0	0
Total	94	19	0	7	7
North Carolina:					
Asheville	2	1	0	1	0
Charlotte	4	1	0	0	0
Elizabeth City	4	0	0	2	0
Fayetteville	4	1	0	0	0
Greensboro	4	1	0	0	0
Hickory	4	0	0	0	0
Kinston	4	0	0	0	0
New Bern	4	0	0	0	0
Raleigh	4	1	0	0	0
Rocky Mount	2	0	0	0	0
Southern Pines	2	0	0	0	0
Wilmington	4	1	0	0	1
Winston-Salem	2	1	0	0	0
Total	44	7	0	3	1
North Dakota:					
Bismarck	4	1	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Devils Lake	4	0	0	0	0
Fargo	4	1	0	0	1
Grand Forks	4	0	0	0	0
Jamestown	4	0	0	0	0
Minot	4	0	0	0	0
Williston	2	0	0	1	0
Total	26	2	0	1	1
Ohio:					
Akron	6	1	0	0	1
Cincinnati	6	2	0	2	2
Cleveland	10	4	0	1	1
Columbus	8	2	0	0	2
Dayton	6	2	0	0	2
Findlay	4	0	0	0	0
Lima	2	0	0	0	0
Mansfield	4	1	0	0	1
Toledo	2	0	0	0	0
Youngstown	4	1	0	0	1
Zanesville	4	0	0	0	0
Total	56	13	0	3	10
Oklahoma:					
Bartlesville	2	0	0	0	0
Duncan	2	0	0	0	0
Enid	6	0	0	0	0
Lawton	2	0	0	0	0
McAlester	2	0	0	0	0
Muskogee	2	0	0	0	0
Oklahoma City	6	1	0	1	1
Ponca City	2	0	0	0	0
Stillwater	6	0	0	0	0
Tulsa	8	2	0	0	0
Total	36	3	0	1	1
Oregon:					
Astoria	4	0	0	0	0
Baker	6	0	0	0	0
Corvallis	4	0	0	0	0
Eugene	4	1	0	0	0
Klamath Falls	6	1	0	0	0
Medford	4	1	0	0	0
North Bend	6	0	0	0	0
Ontario	2	0	0	0	0
Pendleton	6	1	0	0	0
Portland	6	2	0	0	1
Roseburg	2	0	0	0	0
Salem	4	1	0	0	0
Total	54	7	0	0	1
Pennsylvania:					
Allentown	4	1	0	0	1
Altoona	2	0	0	0	0
Bradford	4	1	0	0	0
DuBois	2	0	1	0	0
Erie	2	1	0	0	1
Franklin	2	0	0	0	0
Hazleton	2	0	0	0	0
Johnstown	4	0	0	0	0
Lancaster	4	1	0	0	0
Middletown	2	1	0	2	1
Philadelphia	6	1	0	1	0
Philipsburg	4	0	0	0	0
Pittsburgh	8	2	0	1	0
Reading	6	1	0	0	0
Wilkes-Barre	2	1	0	0	1
Williamsport	4	1	0	0	0
Total	58	11	1	4	4
Puerto Rico: San Juan	2	1	0	0	1
Rhode Island: Providence	6	1	0	1	0
South Carolina:					
Charleston	4	1	0	3	1
Columbia	4	1	0	0	1
Florence	4	0	0	0	0
Greenwood	6	0	0	0	0
Greer	2	1	0	0	1
Myrtle Beach	2	0	0	0	0
Spartanburg	6	0	0	0	0
Total	28	3	0	3	3
South Dakota:					
Aberdeen	2	0	0	0	0
Brookings	2	0	0	0	0
Huron	2	1	0	0	0
Mitchell	4	0	0	0	0
Pierre	4	0	0	0	0
Rapid City	2	1	0	0	1
Sioux Falls	4	1	0	0	1
Watertown	4	0	0	0	0
Yankton	2	0	0	0	0
Total	26	3	0	0	2
Tennessee:					
Bristol	4	1	0	0	0
Chattanooga	4	1	0	1	1
Clarksville	4	0	0	0	0
Crossville	2	0	0	0	0
Jackson	2	0	0	0	0
Knoxville	4	1	0	0	0
Memphis	6	2	0	1	1
Nashville	6	1	0	1	1
Shelbyville	2	0	0	0	0
Total	34	6	0	3	3
Texas:					
Abilene	6	1	0	0	1
Amarillo	4	1	0	2	1
Austin	4	1	0	1	1
Beaumont	6	1	0	0	1
Big Spring	2	0	0	0	0
Borger	2	0	0	0	0
Brownsville	8	0	1	0	0
Brownwood	4	0	0	0	0
College Station	6	0	0	0	0
Corpus Christi	2	1	0	0	1
Dallas	6	2	0	2	2
El Paso	6	1	0	0	0
Fort Worth	4	1	0	0	1
Galveston	6	0	0	0	0
Harlingen	8	0	0	0	0
Houston	6	1	0	1	1
Laredo	2	0	0	0	0
Longview	6	1	0	0	0
Lubbock	4	1	0	0	1
Lufkin	4	0	0	0	0
McAllen	2	0	0	0	0
Midland	8	1	0	0	1
Paris	6	0	0	0	0
San Angelo	6	1	0	0	1
San Antonio	4	2	0	0	1
Temple	4	0	0	0	0
Tyler	6	1	0	0	1
Victoria	8	0	0	0	0
Waco	6	1	0	0	1
Wichita Falls	6	1	0	1	1
Total	152	19	1	7	16
Utah:					
Cedar City	4	0	0	0	0
Moab	2	0	0	0	0
Ogden	6	0	0	0	0
Salt Lake City	6	1	0	1	1
Vernal	2	0	0	0	0
Total	20	1	0	1	1
Vermont:					
Burlington	2	1	0	0	0
Montpelier	2	0	0	0	0
Newport	4	0	0	0	0
Rutland	2	0	0	0	0
Total	10	1	0	0	0
Virginia:					
Blacksburg	2	0	0	0	0
Charlottesville	2	0	1	0	0
Danville	6	0	0	0	0
Hot Springs	2	0	1	1	0
Lynchburg	2	1	0	0	0
Newport News	4	1	0	0	1
Norfolk	6	1	0	0	1
Richmond	6	1	0	0	0
Roanoke	4	1	0	0	0
Staunton	2	0	1	0	0
Washington National	6	2	0	4	0
Dulles International	6	2	0	1	0
Total	48	9	3	6	2
Virgin Islands:					
St. Thomas (Truman)	2	0	0	1	0
St. Croix (Hamilton)	2	0	0	1	0
Total	4	0	0	2	0
Washington:					
Bellingham	4	0	0	0	0
Ephrata	6	0	0	0	0
Hoquiam	2	0	0	0	0
Moses Lake	4	1	0	0	0
Olympia	4	0	0	0	0
Pasco	6	0	0	0	0
Port Angeles	4	0	0	0	0
Pullman	2	0	0	0	0
Seattle (Boeing)	2	1	0	1	0
Spokane	4	1	0	0	1
Tacoma International	4	1	1	0	0
Walla Walla	6	0	0	0	0
Wenatchee	6	0	0	0	0
Yakima	6	1	0	0	0
Total	60	5	1	1	1
West Virginia:					
Beckley	2	0	0	0	0
Bluefield	2	0	0	0	0
Charleston	4	1	0	0	0
Clarksburg	2	0	0	1	0
Elkins	4	0	0	0	0
Huntington	2	1	0	0	1
Martinsburg	4	0	0	0	0

Location	Number of runway ends	Number of ILS	Number of LOC	Number of VASI	BC
Morgantown	2	0	0	1	0
Parkersburg	4	0	1	0	0
Wheeling	4	1	0	1	0
Total	30	3	1	3	1
Wisconsin:					
Appleton	4	1	0	0	0
Eau Claire	4	0	0	0	0
Green Bay	4	1	0	0	1
Janesville	6	0	0	0	0
La Crosse	6	0	0	0	0
Madison	8	1	0	0	1
Manitowoc	2	0	0	0	0
Milwaukee	8	1	0	1	0
Oshkosh	4	1	0	0	0
Rhinelander	4	0	0	0	0
Sheboygan	2	0	0	0	0
Stevens Point	4	0	0	0	0
Total	56	5	0	1	2
Wyoming:					
Casper	8	1	0	0	1
Cheyenne	6	1	0	0	0
Cody	2	0	0	0	0
Jackson	2	0	0	0	0
Laramie	4	0	0	0	0
Riverton	2	0	0	0	0
Rock Springs	4	1	0	0	0
Sheridan	4	0	0	0	0
Worland	2	0	0	0	0
Total	34	3	0	0	1

[1] Gravel runway.

WILLIAM D. HASSETT TESTIFIES ON REVENUE SHARING

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEMP. Mr. Speaker, public hearings on President Nixon's general revenue-sharing proposal will be concluded next week. Then the matter will be considered by the Ways and Means Committee in executive session.

From all indications this committee will reject the proposal. But such action would not necessarily mean the proposal's demise for the Senate appears to be unswayed by the unsympathetic Ways and Means Committee.

Moreover, the testimony by private citizens before Ways and Means has had its impact on the other body. Bill Hassett, an Amherst, N.Y. real estate company president is one of those whose voice will be heard throughout the Congress.

Bill is a member of the New York State Committee for Revenue Sharing and a director of the Buffalo area Chamber of Commerce and did a brilliant job in support of general revenue sharing before the Ways and Means Committee this morning.

I am proud to call attention to his testimony and include his comments at this point in the RECORD:

TESTIMONY OF WILLIAM D. HASSETT, JR., FOR NATIONAL CITIZENS COMMITTEE FOR REVENUE SHARING IN WASHINGTON, D.C., JUNE 17, 1971.

May I express my thanks to Chairman Mills and this Committee, for the opportunity of talking with you today.

First, I should like to tell you who I am, describe the area where I come from and what viewpoint I represent, so that you may evaluate my remarks about Revenue Sharing with more meaning.

I own and operate a Real Estate and Building Business in Buffalo, New York. We employ approximately 200 people. In addition to my basic business activities, I attempt to serve our area by Board of Director or Trustee Membership in the Buffalo Area Chamber of Commerce, the Marine Midland Bank—Western, the area's largest; Canisius College, the area's largest independent institution of higher education; the United Fund, and many other charitable or civic institutions. I try to be both a businessman, and a responsible citizen.

Our area, Buffalo and Erie County, lies at the Western end of New York State. Unfortunately, many people identify New York State only with New York City, 450 miles to the East. Few realize that Buffalo and Erie County has a population of over 1,100,000 persons, and is larger than 15 of the States in this nation. It is a major metropolitan area.

As to viewpoint, my thoughts are borne out of the practical experience of any hard working businessman. I started my company, have achieved some success, and grapple with the problems of furthering it—trying to make it grow.

I tend to look ahead, and view problems as an inevitable part of life. It's the solving of problems, that creates opportunities—and will set a future way of life for my children, your children and all of our grandchildren.

Now I have spent this rather lengthy time in orientation, to try to establish a common perspective; so that I might ask you of the committee to share a viewpoint with me—to freshly, and simply, view today's discussion of problems and proposed solutions, from a young but seasoned—an optimistic but practical point of view.

I am neither a theoretician nor an economist. But as a businessman who works daily with industry, retailers, office users, housing developments and governments, I am keenly aware of the difficulties all of these areas of endeavor encounter in doing business, and providing needed services in our metropolitan area. As a businessman, I am *convinced*, that the revenue sharing proposals which you are considering would be of great benefit to my community and others, larger and smaller, throughout the country. Let me attempt to illustrate this in specific terms by using Buffalo/Erie County as an example of the problem, and then showing the effect of Revenue Sharing.

The City of Buffalo has come to a point where it cannot raise more general revenue from its existing taxable base. It has run full up against its constitutional limit. New York State, which last year returned to our area $204,000,000 of the tax dollars it collected in the Buffalo Metro area, cannot supply more State Aid. We cannot look to the State for the kind of increases in State Aid we need. The State itself, has needs that must go unmet due to fiscal pressures.

The city's present budget will not allow it to maintain present municipal services without more revenue. Layoffs and cutbacks are being explored and planned, in many essential phases of city services, including Police, Fire, Educational, Sanitation and other areas. Only this year's sale of its reversionary rights to the Greater Buffalo Airport, coupled with a sales tax increase, that pushed this tax in the city to a total of $.07 on the dollar, has permitted the city to maintain these services to-date.

And just maintaining them at present levels, has not been enough to stem the outflow of people from the city, and industry from the city and the area, with resulting unemployment. Major plant closings in our area totalled 22 in the four years 1966 to 1969, but another 21 in the last 16 months. This alarming rate has more than doubled. Unemployment has soared from 3.5% in early 1968 to over 6.5% through the first five months of 1971.

Industry will not remain or expand in an area where not only the quality, but worse, even the continuance of essential services is in question. Industry will not remain or expand in an area when paying the limit of taxation, still does not insure the providing of services. People do not wish to remain, or build for their family's future, in an area of declining services and opportunities, coupled with increasing costs.

And what of the towns and villages in the rest of the county? They mirror the city. For example, property taxes in Amherst, an immediate suburb, have gone up over 40% in the last three years.

The health and progress of the suburbs is directly related to the city which they surround. Buffalo's problems are interwoven with the county as a whole. And the county, city, the towns and the villages, the state, all need more general revenue, which they cannot adequately derive from presently fully taxed sources.

I have used my home to illustrate. Unfortunately, this set of circumstances is not unique to Erie County and Buffalo. It is a national problem, requiring national response, program and action.

I've set out the Buffalo area's problem.

What would the administration's plan do for the Buffalo/Erie area? Under the proposed $5 Billion Dollar funding available nationally for the first full year, the City of Buffalo would receive back $4.8 Million of tax dollars collected in Buffalo by the Federal Government. The rest of Erie County would receive an additional $7.5 Million.

For the city, this could be converted into salaries for 85 policemen, plus 50 firemen and two new fire stations, plus 170 teachers, plus operational funds for 40 needed playgrounds, plus new day care facilities and services for 700 children of lower income families whose parents need and want to work—and with these benefits established, we still would not have used more than one-half of Buffalo's allotment of general Revenue Sharing funds. The balance could be used for other needed programs that cannot now be funded. We would gain these programs and people with our equitable share of funds collected in our area, but now distributed elsewhere, despite our crying need for more help at home. Similar examples can be shown for the county, towns, villages and state. I've confined this illustration only to the city.

This would be the effect in our community and so many others in this nation. Communities that today cannot maintain let alone improve services; communities that

are losing their taxpayers—and whose only present alternative is to tax still further, in an attempt to retain them—that's an unworkable alternative!

To use the popular governmental phrase—that's counterproductive!

But general Revenue Sharing is a workable solution—an equitable one—and a simple one. Others more technically knowledgeable than I have testified to this fact before your committee, in two Presidential Study Commissions, and many other forums showing strong bipartisan support. I have not dealt in the mechanics; therefore, but in the effective desirability from a businessman's point of view.

We have two major newspapers in our area, each independently and locally owned. I think that's something of a rarity these days. It's a further rare instance, when they solidly agree on a major issue.

Well, they both *strongly* endorse the passage of a Revenue Sharing Program.

The Courier Express in its lead editorial on June 11th said, "We can only hope that—members of the Mills Committee will strive mightily to report this bill out".

The Buffalo Evening News in its lead editorial on June 3rd also strongly endorsed the concept of Revenue Sharing.

Both papers commend the holding of these hearings, and I've earlier expressed my gratitude for your allowing me here. But that same editorial and I respectfully raise this further question. I quote again,

"The House Ways and Means Committee, while 'thoroughly convinced' that something must be done to give financial aid to the cities, still insists that 'there has to be an alternative' to revenue sharing. Why, pray tell, does there have to be an alternative? Why not revenue-sharing?"

To finish on the same theme with which I began, I've asked you to look at this matter not as members of Congress only, but as citizens, businessmen, familymen.

I urge you to avoid polarizing your position, and rejecting this concept today because you've rejected it yesterday, last month or last year. I urge you to meet your responsibility in the *present* time, by giving this plan to the *nation* for its future.

True, it is not a panacea, not perfect. Solving imperfections that may develop, however, will be the happy problem of coming ranks of lawmakers; more importantly of future ranks of the peoples of this nation. *But,* they can't improve, what they don't have.

As a businessman, representing free private enterprise, I strongly feel our future domestic economy depends in great measure, on the action of this committee and this Congress.

Therefore, I urge you, to bring this legislation to the Congress for a vote—It's *your* responsibility.

KUZNETSOV HAILS RADIO LIBERTY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, at the present time there are some in this country who are questioning the important work being done in Eastern Europe and the Soviet Union by Radio Free Europe and Radio Liberty.

For millions of men and women these voices from the West provide the only alternative to the distorted government-controlled news issued by official Communist state radio stations.

The Communists themselves admit that the influence of these Western stations has caused them to provide more factual information to their citizens. The Soviet newspaper, Komsomolskaya Pravda for May 29, 1971, said this of the conclusions which Soviet propagandists should draw from the work of Radio Liberty:

The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is always better for us to analyse them ourselves than to wait for commentaries by various "voices" (i.e. foreign radio stations) which reach our public in one way or the other . . . Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days.

The Soviet writer, Anatoli Kuznetsov, fled from Russia to England in order to achieve the freedom of expression which was denied to him in his native land.

In a letter to the London Daily Telegraph for June 7, 1971, he criticizes those in America who would alter or eliminate the important services rendered by Radio Free Europe and Radio Liberty. He notes that—

If it were not for the broadcasts by Radio Liberty, Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Of American critics, he points out that—

American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal.

Mr. Kuznetsov's letter is one which I share with my colleagues, and I include it in the RECORD at this point:

RUSSIA AND RADIO LIBERTY

SIR: I understand that the work of the two American-supported radio stations, Radio Liberty and Radio Free Europe, which are based in Munich and broadcast to the countries of the Communist world is shortly to come under discussion in the United States and that certain changes are proposed in their status.

The first person to raise the question of the sources from which these stations are financed was Senator Clifford Case, but now Senator William Fulbright has raised his voice against their very existence.

The statements made by these two Senators were greeted with delight by the official Soviet propaganda machine, which could scarcely have dreamt of receiving support from such high quarters. A logical consequence of this was a "trial balloon" in the form of an official protest by the Polish Government to the West Germans about the continued presence of Radio Free Europe on German territory.

I could say a great deal about how essential a part of life and how great a source of hope for Soviet citizens is Radio Liberty, whose broadcasts I listened to regularly until I left the Soviet Union in the middle of 1969.

But my views on this subject may very well be considered biased. Let me therefore quote from a Soviet newspaper, *Komsomolskaya Pravda* for May 29, 1971. Discussing the conclusions which Soviet propagandists should draw, from the work of Radio Liberty, the paper said:

The reports which we publish must deal more frankly with the unfavourable features and developments in our society. It is always better for us to analyse them ourselves than to wait for commentaries by various "voices" [i.e. foreign radio stations] which reach our public in one way or the other, directly or by roundabout means. Our reports on events in the West should be less superficial. Talk of the "bared teeth of savage imperialism" fail to impress many people in these days. We must go more deeply into things for our young people.

This unexpected comment by a Soviet newspaper contains everything—an admission that Radio Liberty provides true factual information, confirmation that it reaches a wide circle of listeners and, moreover, the statement that the Soviet Press compares very unfavourably with Radio Liberty.

The above quotation makes it quite clear that Soviet propaganda does not provide information of an "unfavourable" nature and that it limits its account of life in the West to talk of the "bared teeth of imperialism."

On top of all that we cannot avoid the conclusion from what the Soviet newspaper says that, if it were not for the broadcasts by Radio Liberty (the station most violently attacked in the article), Soviet propaganda would continue unhindered in its work of deceiving the population with rosy pictures of life in the Soviet police-state and denunciations of "imperialism" in the West.

Were it not for Radio Liberty it would never have occurred to them to revise, however little, their Stalinist ideas.

It is at first sight a strange situation: American Senators cast doubt on the value of Radio Liberty and Radio Free Europe, while the Soviet Press has no doubt at all about their effectiveness.

But it is really not so strange, because the Soviet propagandists know precisely what those radio stations transmit and how their broadcasts are received, while American Senators permit themselves to make very far-reaching declarations without having very much information at their disposal about the subject under discussion.

A. ANATOLI (KUZNETSOV).

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHWENGEL. Mr. Speaker, the tactics used by the bus and truck lobbies to secure passage of legislation allowing wider and heavier vehicles is well known to many of us. However, the story written by Mr. George Anthan in the Des Moines Register for May 30 is one of the best articles that has been written documenting these tactics.

The amazing fact brought out by the article is the brazen admission by officials of the American Trucking Association—ATA—that they do in fact, utilize "whipsaw tactics" to play one State against another. It seems to me that this admission is all the more reason why we need to be especially firm on the size and weight legislation here at the Federal level.

Questions were raised by the truckers in the past as to whether opponents of the Federal size and weight legislation lacked faith in the judgment of the various State legislatures. In view of the ATA tactics and strategy revealed in the Register article, it seems to me that some skepticism in this regard is certainly justified. The article follows:

TRUCK LOBBY FOCUSES ON IOWA'S LAW—ASKS APPROVAL OF 65-FOOT UNITS

(By George Anthan)

WASHINGTON, D.C.—Truckers are making a major effort this year to clear a coast-to-coast route through the upper Midwest for 65-foot-long twin trailer-truck combinations (double-bottoms), officials of the American Trucking Association (ATA) have confirmed.

Iowa, astride one of the country's most important east-west Interstate highways, is a focal point of this effort. Trucking officials said most states east and west of Iowa allow the longer double-bottom trucks.

Also, state trucking organizations, backed by the ATA, are seeking approval for 65-foot double-bottom trucks in Wisconsin and Minnesota, and in several southern states.

Officials of the trucking industry said the longer twin-trailer trucks are vital to the economy of the industry. They say rising costs due to inflation have made more efficient trucks necessary, and that the 65-foot double-bottom vehicles not only contain much more space for freight, but are more economical in that a trailer can be loaded for a certain destination and dropped off there. The tractor and the other trailer then can continue on to another destination.

AAA OPPOSITION NOTED

Officials of the American Automobile Association (AAA), the leading national opponent of larger and heavier trucks and buses, says the current trucking effort is a continuation of "their divide-and-conquer tactics of the past."'

James J. Gudinas, an AAA transportation economist, said, "The truckers could not get their requests through Congress, and the plan now is to get the states to expand their maximum limits, then point out to Congress that federal standards are too low."

The AAA has argued that bigger trucks and buses pose a serious danger to occupants of passenger cars, and that the larger vehicles also cause more damage to pavements than they pay for through taxes.

The ATA has countered by saying that if the trucking industry is not allowed to move freight more efficiently, prices of freight and subsequently of most consumer goods will increase. These increases, the trucking industry contends, will hit small towns especially hard since it already is uneconomical to haul freight to many less-populated areas.

Gudinas said, "When they get something passed in one state, then they go to the next and say, 'You're standing in the way,' or argue, 'Your state is losing economically by not allowing these larger trucks.' "

A spokesman for the ATA acknowledged that this is used by state trucking organizations, and he called it the "whipsaw" tactic.

He explained privately that this means "when one state passes a law changing truck sizes, by natural process the people (truckers) in the next state are going to say, 'We should have that, too.' "

"WHIPSAW" TACTICS CITED

He said that under the "whipsaw" theory, trucking industry officials in the various states cite gains that the industry has made in other, nearby states.

"In a sense, whipsaw is a national policy, and in a sense it's not," he said. "It's not written down or anything like that. We (ATA) don't tell the state organizations what to do."

Another ATA official said of the state-by-state efforts to get favorable truck law changes:

"It's an argument that's used. After all, nobody's running a truck for fun. This service reflects in consumer costs. If you don't run economically, you drive up the costs."

Iowa is important, ATA officials said, "because if you want to start out in the East now you can run 65-foot twin-trailer combinations on the Massachusetts and New York thruways. There's a small gap in Pennsylvania of 20 or 30 miles (Pennsylvania does not allow double bottoms) so the combination must be broken, hauled across singly, then re-assembled. Then, Ohio, Indiana and Illinois allow 65-foot twin trailers."

At this point, ATA officials said, the coast-to-coast truckers must swing south through Missouri and Kansas because of the Iowa prohibition.

This denies long-distance trucks the use of Interstate 80 through Iowa. Nebraska allows the 65-foot double-bottoms.

(The Iowa Senate Thursday voted 28 to 19 to permit 65-foot-long trucks on any four-lane highway in Iowa. The bill awaits consideration by the Iowa House.)

A bill to allow the 65-foot double-bottom trucks is pending in Tennessee, and one has been defeated in Mississippi.

In Georgia recently, a state commission recommended legislation to allow 65-foot doublebottom trucks, citing "the necessity for keeping Georgia competitive with other states in freight transportation facilities." However, strong public opposition developed and the Georgia bill was dropped.

SNEAK ATTACK

In Louisiana last year, the House of Representatives passed a bill to keep livestock off the highways. However, the Louisiana Motor Club, affiliated with the AAA discovered the measure contained a provision to allow twin-trailer combination trucks; there was a public protest, and the measure died.

In Pennsylvania, there currently is no move aimed at permitting double-bottoms, but the legislature is considering a bill to increase the single trailer length from 40 to 45 feet.

Indiana, the State Motor Truck Association is seeking an increase in gross weight per truck from the present 72,000 pounds to 73,280, the current federal limit for Interstate highways.

James Nicholas, secretary-treasurer of the association, recently argued, "Indiana should get in step with her neighbors," referring to the fact that Illinois and Kentucky already have raised the limit to 73,280 pounds, and Ohio has increased it to 78,000 pounds.

Nicholas was quoted by local newspapers as saying recently, "Other states let much larger trucks use their roads. It helps their economy. Are we to say Indiana is inferior to other states?"

Iowa currently allows 60-foot double-bottom trucks, but ATA officials said any twin trailer combination shorter than 65 feet is not feasible.

They said this is because the trailers come in standard lengths of 27 and 28 feet. Two of these trailers, plus the space between them, plus the length of the tractor unit require a minimum of 65 feet, they said. A total of 31 states allow 65-foot double-bottom trucks.

SCHWENGEL MAJOR FOE

The AAA's Gudinas and Representative Fred Schwengel (Rep., Ia.), a major opponent of larger trucks and buses, said they believe the industry is concentrating on the double-bottom issue because of two major national defeats suffered in 1968 and 1969.

Bills backed by the U.S. Transportation Department that would have increased truck sizes and weights were defeated in those years.

One industry-oriented magazine last fall blamed the defeats on Schwengel, on newspaper coverage, on AAA opposition and on railroad lobbyists in Congress.

Schwengel said he has been "fighting hard against these bills in Congress, because once they get permissive legislation on the federal level, then they go to the states and say "Congress has okayed this; the state should not stand in our way.' "

Schwengel currently is fighting a bill in Congress to increase bus widths from 96 inches to 102 inches.

"I also know about their whiplash," Schwengel said. "I know the truckers have tried to defeat me in my campaigns."

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. PICKLE. Mr. Speaker, in the Declaration of Independence from Mexico, the founders of the Republic of Texas charged the Government of Mexico had "failed to establish any public system of education—although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

Such was one of the keys in the founding of the State of Texas, and today one of the finest manifestations of that early dedication to education is the University of Texas System—now home of one of the top 32 libraries in the world—only five of which reside in this country—home of 23 of the highest ranking graduate programs in this Nation, home of six general academic institutions housing 70,000 students at present and preparing to handle 150,000 students by 1980, of four medical schools, and of numerous other graduate and specialty schools, including the McDonald Observatory, the M.D. Anderson Hospital and Tumor Institute, and the new L. B. J. School of Public Affairs.

The university is rapidly taking the lead, as well, in producing prominent young scholars, leading the country in Woodrow Wilson national fellowships, and a leader in the coveted Rhode's scholarships and Fulbright - Hays scholarships and fellowships.

And this university is meeting the challenges which face all our universities today—the challenges posed by this country's first politically oriented student body and what their presence means for freedom of speech and for the need to allow students to study in quiet and researchers to research in peace.

This morning, as our guest at the Texas Breakfast Club, the dynamic and highly respected University of Texas system chancellor, Charles A. LeMaistre, outlined how this great university system is meeting these challenges—meeting them head on. He said:

I must tell you that I did not accept the chancellorship to preside over the demise of the University of Texas.

His strong words hold a forceful hope for a reasoned balance in the new environment in which higher education has found itself in the past few years.

Mr. Speaker, I would like to insert Chancellor LeMaistre's remarks in the RECORD at this time:

A POSITIVE VIEW OF HIGHER EDUCATION IN TEXAS

(By Dr. Charles A. LeMaistre, Chancellor, University of Texas)

For almost a year now, I have had the privilege and responsibility of serving the vast

University of Texas System, first, as Chancellor-Elect, and then, since January 1, 1971, as Chancellor. In that year, I have spoken to many groups, and responded to questions of all varieties. While the groups have varied widely in their areas of primary interest, I find that there is an almost alarming sameness in the essence of their questions. In my experience, people of all persuasions and of all outlooks are concerned about higher education, its image and its future. There is an *aura of negativism* about higher education which continues to concern me very much. I spoke of this concern over a year ago in a commencement address at Austin College—an excellent private institution in Sherman, Texas. I would like to quote a few sentences from that address.

"Colleges and Universities across the land are being sorely tested and critically evaluated as worthwhile instruments of society. Education's ancient place of honor in civilized society hangs in the balance. Uncontrolled unrest on the campus is already accepted as a clear indictment of the value of education by many who once professed belief in the necessity of a college education.

"The 'confidence crisis' in education was not invited by premeditated action, but rather by inadvertent past failures on the part of academic leadership. We have allowed the purposes of higher education to become so vague as to invite misuse and the subsequent outrage of the American society."

I must admit that in the year since I made that statement the "confidence crisis" in higher education has, if anything, become more acute. From a personal observation I can tell you that it is most difficult to sell *a positive and constructive* message about higher education to the general public in a time of such negativism. The result has been a public image which is more negative than positive, more defensive than offensive, and more attuned to explaining the antics and demands of a few attention seekers—than insuring positive progress for the *massive numbers* of dedicated students on our campuses.

It is for these dedicated students, unequalled in quantity or quality by any preceding group of young Texans, that higher education must castoff the cloaks of defensiveness and apology. Aggressive action must replace reaction if we are to meet the educational needs of these young Texans and, in so doing, fulfill the visions of greatness found in our Texas Declaration of Independence.

Aggressive leadership will lead to constructive change in education and change does not always serve an individual personal need. Yes we can expect some personal unhappiness as changes occur and we have already seen some. However, for every scholar who has left expressing dissatisfaction and discontent with the present academic environment, equal numbers—and of at least equal quality to the teaching process—have arrived here, drawn by the new challenge and greater potential of the University of Texas System. The very fact that we are removing the decay and critically evaluating the worth of of our offerings has resulted in an overwhelming interest by faculty elsewhere.

I am fully aware that developing a positive approach may not be easy. To be sure higher education has positive programs making outstanding contributions to education and society—but higher education is not attuned to telling its story. First, no personnel concerned with public relations are employed by our State agencies. Second, a forum or medium is not always available to tell the story.

Let me now begin to accentuate the positive: A few facts and figures about the University of Texas System will serve as background for our later discussion.

There are six general academic institutions, the University of Texas at Austin, El Paso, Arlington, Dallas, San Antonio, and Permian Basin. Three of these are developing schools, having been authorized by the 1969 session of the legislature. In effect we are presently creating three new academic universities, an unprecedented task in Texas, in order to be prepared for twice as many college students by 1980, approximately 150,000 in number in the University of Texas System alone.

There are four medical schools—Dallas, Galveston, San Antonio, and a new compoment in Houston. From an entering capacity of 2.60 in the mid 60's, these four units now enroll about 430 entering medical students, and are authorized by the Board of Regents to expand this entering capacity to 800 students by 1980. In the decade of the 80's, Texas will produce in 10 short years more physicians than are now in practice in the State. No other state can approach this record.

There is a dental school in Houston and another in San Antonio. When fully developed, these units will enroll 275 freshman students, almost tripling the University's current output of dentists.

Incidentally, our Houston Medical School and our San Antonio Dental School began teaching students within one year after Legislative authorization, a feat unequalled elsewhere in the Nation.

Since 1967, the System-wide nurse education program has grown from a primary base in Galveston to expanded units in Austin, San Antonio and El Paso—nurse production is currently doubled and soon will be quadrupled, as new units in Houston and Ft. Worth are developed.

To meet the needs of a State with disgraceful epidemics of diptheria in its urban communities, with five urban areas ranking high in venereal disease, with serious problems in nutrition, and basic environmental problems, the Legislature activated a School of Public Health in the UT System to produce the manpower to protect the public's health. We need only to look at some of our other major problem areas to further appreciate the need for this school; clear air, water quality, overpopulation, preventive health services, drug abuse, etc.

To meet the need for teachers in health manpower there is the graduate school of biomedical sciences at Houston.

Last but not least are two institutions which perhaps illustrate the diversity of the System:

The M.D. Anderson Hospital and Tumor Institute—one of the foremost cancer research and treatment facilities in the world—and

The Institute of Texan Cultures—A living symbol of the inter-cultural background and heritage which represents Texas today.

This "laundry list" does not include several outstanding research and educational facilities which operate administratively as part of a general component: For example—

McDonald Observatory attached to The University of Texas at Austin—an essential base for exploration of the moon, with the world's third largest optical telescope;

Marine Science Institute attached to The University of Texas at Austin;

Bureau of Economic Geology at Austin;

Bureau of Business Research at Austin;

Environmental Health Engineering at Austin;

Population Research Studies at Austin;

The new Lyndon Baines Johnson School of Public Affairs at the University of Texas at Austin;

Schools of Social Work at Austin and at Arlington;

Institute of Urban Affairs attached to the University of Texas at Arlington;

Social Science Research Center at El Paso;

Air Quality Management at Houston;

Marine Biomedical Institute attached to the University of Texas Medical Branch;

Nutrition Program at Galveston; and

Poison Control Center Consultation at Galveston and a federally funded project: The Regional Medical Program directed from the System Administration.

Thus, it is obvious that the University of Texas System has made an impressive beginning to fulfill one of the responsibilities which is generally accepted to be a legitimate role of the University—that of public service.

Let me conclude the statistics by stating that the University of Texas System represents a State resource which has:

$1,500,000,000 in total assets;

$250,000,000 in annual operating expenses; and

$70,000 students entrusted to our educational responsibility—growing to 150,000 by 1980, and 3,500 full-time faculty, and over 20,000 employed staff.

For those of you who are "bricks and mortar" oriented, we have $100,000,000 of construction under contract and $300,000,000 on the drawing boards.

As we look ahead to the rapidly changing decade of the 70's—the higher education community is fast realizing that the historical and traditional role of the ivy-covered university will not satisfy the current demands of society. The university must further share its expertise and special resources with those who bear the primary responsibility for the solution of society's problems and demands.

Let me focus briefly upon what is probably your primary interest—UT Austin—to assure you that it is performing well in its academic responsibilities.

Last May at the El Paso meeting of the Board of Regents, Chancellor Harry Ransom, to everyone's regret and surprise, decided to step down as the administrative head of The University of Texas System to devote full time to the area of library acquisitions and endowments. As Chancellor Emeritus, he is working harder than ever and is constantly available for imparting his great knowledge, wisdom and experience. To him belongs the credit for the recent worldwide publicity that cited The University of Texas Library as one of the top 32 in the world. Of that 32, only five are in the United States, and one is at your University in Austin.

Probably the most significant high point from a prestige standpoint came toward the end of 1970. A rating of graduate programs by the American Council on Education placed 23 of the University of Texas at Austin's graduate programs among the highest ranking programs in the nation. Four were in the top five in the nation in their respective fields—Linguistics, German, Botany, and Spanish—and four others were in the top ten—Pollution Biology, Civil Engineering, Geology, and Classics. One of Dr. Spurr's main goals, he tells me, will be to not only maintain this position, but to improve it in the years ahead.

In addition, coveted Rhodes scholarships for study at Oxford were won by two UT students. And UT was third only to Harvard and Yale to the number of the Rhodes recipients. UT led the nation in independent study awards from the Woodrow Wilson National Fellowship Foundation. Three Austin students and one at The University of Texas at El Paso received these awards. Only a hundred students throughout the United States received these awards.

I could continue with examples of progress like the Lyndon Baines Johnson Presidential Library dedicated on May 2 before a remarkable assembly of prestigious personalities. That complex on The University's eastern edge will be a Mecca for research specialists in political science, government, economics, and history for many, many years to come. Time is running short and I must conclude.

The all-out assault to erode and destroy public confidence in the leading educational institutions will, I fear, continue.

Those of us who feel a responsibility to ensure the continued positive development of higher education must join me in agreeing that:

The university must protect freedom of thought, freedom of inquiry, freedom of discussion for all—not just the radicals;

That the external forces designed to impair or intimidate dissent, debate, or expression cannot be tolerated;

That the university should not be converted to a political institution;

That freedom to run from "Rhetoric to Riot" must stop now; and

Those who hold these positions—and I most assuredly do—can expect personal and public abuses of unimagined portions as the attempt is made to destroy public confidence in education's leadership.

I also must tell you that I did not accept the Chancellorship to preside over the demise of the University of Texas—nor do I wish to associate myself in any way with those who daily attack the American University System. It is my intent to return education in Texas to its ancient place of honor and to accomplish this without delay. We no longer will resort only to defensive tactics. We intend to be aggressive in re-establishing the rightful place of higher education in Texas.

This, then, is where we stand today. As we seek a solution (both individually and collectively) to the problems of higher education, perhaps it would be well if we remembered the words and the actions of the handful who met at the primitive village of Washington on the Brazos to give voice not only to their yearnings for freedom, but also to the visions of greatness they sought for Texas. They realized that education is a hallmark of greatness for any society. In the Declaration of Independence from Mexico those founders of our State charged the government of Mexico as follows:

"It has failed to establish any public system of education, although possessed of almost boundless resources (the perfect domain), and although it is an axiom in political signs, that unless a people are educated and enlightened, it is idle to expect a continuance of civil liberty, or the capacity for self-government."

May I repeat for emphasis "unless a people are educated and enlightened it is idle to expect a continuance of civil liberty or the capacity for self-government" an axiom that is as pertinent to the problems of Texas in 1971 as it was when those famous words were first penned. When, in the future, our Texas society stands in the light of historical judgment, these words from the Texas Declaration of Independence, and more importantly, the actions of generations of Texans to implement them must stand as our greatest achievement. May we in the days to come measure our words and our deeds against the words and deeds of those who founded the State of Texas.

DEATH CLAIMS DRUMMER BEN POLLACK

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HUNGATE. Mr. Speaker, I would call attention to the death of the band leader Ben Pollack who gave an opportunity to many of the jazz artists of this country. The article follows:

DRUMMER BEN POLLACK, EARLY CHICAGO JAZZMAN

(By Hollie I. West)

Ben Pollack, the drummer who headed the first big band in which clarinetist Benny Goodman played, hanged himself Monday in the bathroom of his home at Palm Springs, Calif. He would have been 68 on June 22.

Authorities said Mr. Pollack had left two notes complaining of despondency over financial and marital problems. His body was found late Monday by a friend who lived in a nearby trailer park.

One of the first well-known native Chicago jazzmen, Mr. Pollack first gained prominence with the New Orleans Rhythm Kings, recording with them between 1922 and 1924. The ensemble played in the style of New Orleans black musicians and exerted primary influence on a coterie of white musicians in Chicago.

Mr. Pollack formed his own band in California in 1925. The group included Goodman and trombonist Glenn Miller, who were to lead two of the most popular swing era bands in the 1930s.

Mr. Pollack planned to build a first-rate jazz band that would perform sharply executed arrangements of current popular material instead of presenting long improvisations on jazz tunes in the New Orleans jam session style. The idea was to modify the New Orleans style by making the band's music sound impromptu but set it in a context of formally worked-out patterns.

Miller and Joseph (Fud) Livingston composed and arranged for the band. Goodman's first solo on record—"He's the Last Word"—was for a Pollack band date in December, 1926, when the clarinetist was 17.

Despite the attractiveness of the musical approach, the idea failed because Mr. Pollack bowed to commercial concessions. As time went on, he called for less improvisation and added violins to keep the group working. Goodman carried out an updated version of the idea in his orchestra in the late 1930s.

Mr. Pollack's various groups worked frequently between 1925 and 1940. Later band alumni included Jimmy McPartland, Jack Teagarden, Charlie Spivak, Yank Lawson, Harry James and Muggsy Spanier. Although Mr. Pollack was not a major musician, he was significant as a discoverer of talent.

The musician opened a restaurant in Hollywood in the 1950s but remained in music until the mid-1960s. By 1965 he had given up performing and was running a restaurant in Palm Springs in partnership with his sister.

He was divorced in 1957 by Doloris Robbins. They had no children.

NATIONAL HOME FASHION WEEK

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WIGGINS. Mr. Speaker, I have today introduced a resolution proposing National Home Fashion Week commencing September 26, 1971. Few concerns facing Americans today are more compelling than the quality of our physical environment. We are all concerned with the earth and our environment being neglected and polluted. We all agree that it is terrible. However, few of us have questioned why we have become so neglectful of it.

A noted expert on human behavior—Dr. Bruno Bettelheim, a psychologist and founding member of the National Academy of Education, and a fellow and diplomat of the American Psychological Association—says it is a result of the settings in which we are brought up as children. If we grow up in a setting—an environment—that is deeply meaningful to us, and that we can cherish, we will, as adults, treat any environment with respect and appreciation. If, on the other hand, our setting during those impressive years does not have a personal meaning to us, it is not likely our environment will be important to us as adults.

This Nation stands on the threshold of a new lifestyle. We are involved in planning cities, combatting pollution, preserving the landscape, and perfecting transportation. We must also concern ourselves with other areas affecting how we live, and that includes the interior spaces in which our citizens spend the majority of their time.

There is no computer in this highly technological society which can measure the influence a home has on the quality of life. Nor is it likely that there ever will be any systematic means of judging the specific effects of the home on "health of our society."

However, it is roundly accepted in America, that the home is vital to our way of life. Yet, ironically, it tends to be overlooked in our priorities.

I propose a National Home Fashions Week, to begin September 26, 1971, to bring national attention to the importance of the home. I feel very strongly that no period in history has had greater reason to "design" the environment, nor better means for doing so. Let us put the home in its proper perspective.

THE CONNECTICUT INTERN PROGRAM

HON. LOWELL P. WEICKER, JR

OF CONNECTICUT

IN THE SENATE OF THE UNITED STATES

Thursday, June 17, 1971

Mr. WEICKER. Mr. President, Congressman STUART MCKINNEY, Congressman ROBERT STEELE and I are currently sponsoring a unique intern program for young people throughout the State of Connecticut. For each of 9 weeks during the summer, we are bringing about 50 students, all under the age of 21, to Washington to view all aspects of their Government firsthand. I have asked each of the students to write a brief essay on their experiences, and I intend to submit a number of them for the RECORD as the summer progresses. The program began last week, and the essays I have received so far demonstrate a firm grasp of the workings—both good and bad—of our system of Government.

Mr. President, I ask unanimous consent that two of the essays written by members of last week's group be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

A FEW THOUGHTS . . .

(By Carol Buckland of Farmington, Connecticut)

The two-headed mythical character Janus, the gate-keeper, not only stares forward of the future, but also faces back towards the past. In many ways, Washington, D.C. is like Janus: the gate-keeper of American democracy, it strains for the future while still

firmly entrenched in the traditions of the past.

Because of this, the Connecticut Intern week in Washington is a study in dichotomy: memory and reality, old and new, and fascination and frustration.

Talking about this program, Senator Weicker said that even if interns come out of this week criticizing the "system", they will at least have some knowledgeable basis for doing so. I have never believed in "my country right or wrong, my country". To me, the best attitude has always been "my country right, keep her right; my country wrong, make her right". After spending the past five days in D.C., I feel I am not only more capable of making a judgment about government but also more able to do what can and has to be done.

This week was my third trip to Washington, but it was the first in terms of getting past the marble and reaching the men, of seeing this city as a political battlefield—both compelling and frightening—instead of as a multi-million dollar monument.

The fascination was in the people and the aura of power that surrounds them. As Hans Morgantheau said, all politics is, of necessity, a struggle for power. Washington and its inhabitants reflect this.

I especially enjoyed the opportunity of talking with and questioning people like Mr. Hildebrand and Mr. Nidecker. Whether speaking with Congressman Steele at 11 p.m. in his office or watching Senator Byrd evoke the memory of a Roman statesman by admitting his ambition as well as his love for the legislative body he serves, I had the feeling that the interns were being spoken to not only as interested listeners, but also as students who must learn because they will soon take on their teacher's responsibilities.

Beyond the listening, there was a great deal of watching and seeing. The Supreme Court, the Lincoln Memorial, the Washington Monument all stood as testament to the past and standards for the future. The white marble stands, pure and symbolizing an intent to act with integrity, but it also calls to mind the white hair of men who once walked boldly toward the future but now cling weakly to the past, refusing to see that today, in a world which is constantly going forward, to even stand still is the same as going backwards.

Most impressive, however, was the Senate which seems like a great arena where men fight with words and ideas instead of fists and violence. The debate on the draft bill was watching history being made, and, hopefully, a better future being hammered out.

But there was frustration also. To quote Bob Dylan: "Come Senators, Congressmen, heed ye the call. Don't stand in the doorway, don't block up the hall, for he who gets hurt will be he who has stalled." Watching and listening, I had the feeling that there is stalling: the seniority system, the tangle of reports, memorandums, and applications and the constant tightrope of compromise for over-all good versus personal conviction. There was also the repetition of the struggle between the experience of the past and the energy of today. All too often, in its web of committees, power-dealing and tradition, Washington, D.C., seems to be using yesterday's tools to shape the resources of today for use tomorrow.

Still, despite the obvious weaknesses, it is clear that there are strengths to bolster them. One of the greatest strengths is the youth of the people of this program. People are not always young chronologically, but youthful in their orientation.

John Kennedy, in his inaugural address, said, "Ask not what your country can do for you, but what you can do for your country." I think, in the Connecticut Intern Program, the process worked both ways: our country, through Washington, opened its doors both symbolically and physically, showing the federal system "warts and all." On the other hand, we, the interns did our part by coming with an open mind, wanting to learn both the good and the bad.

Hopefully, and it would be the most meaningful part of this program, I can take what I've learned and do something—both for myself and my country.

AN ESSAY

(By Gregory Patti of Bethel, Connecticut)

To most people, Capitol Hill is a mystical Olympus where gods in high places decide the fate of nations and the future of humanity. Until recently I could have been included in their number, as I had never met a Senator first hand, or attended a session of the legislature.

Due to my participation in the Connecticut Intern Program of Senator Lowell P. Weicker and Congressmen Stewart McKinney and Robert Steele, however, my sense of perspective has been drastically altered. It has become clear that those who sit and rule the nation are not gods, but men—fallible human beings, flawed in some measure as all are flawed, yet men who have a duty to perform under difficult circumstances and adverse conditions.

One fact is clear. In certain respects these men are above other men. To them, government is a sacred thing. In the words of one high member of the Senate, the Honorable Robert Byrd, "I love the Senate. To me it is one of the greatest organs of the government created by our fathers." I now share this sentiment not simply in terms of the Senate, but in terms of the entire process of government.

Most tourists visit the monuments, see the Potomac, tour the Capitol, and say "I have seen our government in action." Nothing could be further from the truth. Such an approach still tends to sanctify our legislators—it still hides them in a cloud of secrecy and an aura of infallibility. However, we have met them in personal contact. They have addressed us and answered our questions. They have graciously contributed their time and effort to enable us to observe the true government—the committees, the hearings, the debate, the staff and office work. We have seen them, not in full dress with neatly combed hair, but with loosened ties and rolled-up sleeves reading mounds of documents, making telephoned inquiries, and coping with the real problems of the nation. Occasionally they err. Occasionally they voice opinions with which we disagree. But they listened to our reasons, and we heard theirs, and we realized that they are making a supreme effort to govern well. Their motives are not all altruistic.

In this governmental system the legislators must do well in pleasing their constituents, or else they face defeat in the next election. But many of those who seek the Congress do so because they see ills in the nation and believe that they can help. They wish to legislate to eradicate bigotry and hatred, superstition and ignorance, poverty and hunger. Their attempts to improve the lot of man on earth are often futile. But they are no less noble for their failure, and in success, the members of Congress can feel proud that their existence on earth has had meaning—that their lives were not such that they leave behind them a world unchanged by their presence—that their efforts have made life for their fellows a bit more enjoyable, a bit more worthwhile.

Until now, these sentiments have seemed to be platitudes espoused by blind "patriots" who see no faults in our country. But now that I have seen and worked with our representatives, I realize that even with its flaws, Congress deserves these compliments. This is the greatest value of the program—this realization that our government, for all its failings, is essentially a good one.

In my mind, all other considerations in the preparation of this program must be secondary to those which approach this end if the program is to provide the optimum benefit. Discussions, seminars, question-and-answer sessions, visits to congressional offices—all of these provide the key to understanding.

It is not the marble and the co'd stone buildings which are the government of the nation. It is the corps of public servants who work inside them, who strive to pierce the deceit and fog of political maneuvering, who juggle facts and figures and balance them against the problems and attempt to find the answers in discussion and compromise that lead this nation. They are our greatest hope to achieve on earth some semblance of the peace, security and welfare of our people which the Preamble to their Constitution pledges their people.

THE WASTING DISEASE OF GIANTISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean, one of this country's great newspapers, carried an article on Saturday, June 12, 1971, on the "Wasting Disease of Giantism."

The article, by Anthony Lewis of the New York Times news service and carrying a London dateline, discusses a speech by Michael Young, the British sociologist.

The theme of Mr. Young's speech is—bigness does not work in either the private sector or the public sector.

Because of its particular relevance to many of this country's problems today, including the President's proposed reorganization of many huge Government departments into even larger ones, I place in the RECORD this article from the Nashville Tennessean. The article follows:

[From the Nashville Tennessean, June 12, 1971]

THE WASTING DISEASE OF GIANTISM

(By Anthony Lewis)

LONDON.—One of the most original thinkers in Britain is a sociologist named Michael Young. Sociologist is really too dusty a word: Young is a provoker of new social ideas and organizations. He started the consumer movement in Britain. His idea for education by television has flowered in the Open University. His book, "The Rise of the Meritocracy," showed in utopian satire how those who rise to power on merit may be as intolerant and stifling as the old aristocracy.

In a speech the other day Young sounded an important new theme. Or, rather, he transformed an old one by the fresh, almost paradoxical method of his argument. He made the case for smallness in human organization.

For a long time, he said, we have believed that bigness brings efficiency in business and government. To gain economies of scales we have accepted the remoteness and impersonality of large organizations.

"Whenever anything goes wrong," Young said, "growth is the stock remedy." The ailing automobile company is enlarged by merger. Government ministries are combined into a super-department. Local governments are expanded to cover larger areas. We build huge schools and universities.

But the remedy no longer works, Young said: "It is fine for computers and other ma-

chines. They thrive on size. But for a large complex of people the whole has become less than the sum of its parts . . . there is hardly a large organization in the country which has not gone downhill over the last quarter of a century."

He asked: Was the British post office as efficient as it used to be? Was the B.B.C.? The Labor party? The University of London? The Royal Air Force? He knew that his listeners would answer no. And he added some telling American examples: the Bell Telephone company, the U.S. Army, New York City, the University of California.

"Almost all large bodies," he said, "have become afflicted by a new wasting disease, giantism."

Why does growth bring inefficiency? Young said the answer was simple. The old idea of individual freedom and integrity had grown stronger in our century, he said, and increased civil liberty and social welfare. But that made large organizations hard to manage:

"Bigness can only work if people are willing to accept orders coming from the top. This they are becoming less and less willing to do; orders seem to conflict with the old notions of human dignity in their new, even more individualist form."

"Big organizations had become aware of tain cooperation by communicating. But the problem," Young said. "They tried to obthey had to spend so much time passing information up and down and sideways that nothing much else is done besides just communicating."

All those who have been in large bureaucracies will recognize the disease described by Michael Young. But his cure will still be hard for many to accept: "Seize every opportunity to reduce the scale of organization. Make things smaller, not bigger, in industry and in the public services, and often efficiency as well as humanity will be enhanced."

Britain does have some of the symptoms of giantism, especially the tendency of politicians and businessmen to equate size to prestige. But things are not too bad. Local committees and controlling boards in many kinds of public affairs provide a human scale. And the small physical size of the country itself gives her a great advantage in encouraging community.

Young's analysis has more urgent and more poignant meaning for the United States. We are a continental country and have always been so proud of that—what middle-aged American does not remember thrilling in the sweep of America across the map? And in so many ways we have worshipped size: big business, Whitmanesque landscape, even giant apples and strawberries.

And now we know it does not work. The citizen begins to feel what Young articulates. The big businessman tries to find ways of allowing smallness and initiative inside the huge corporate structure. The federal government looks for new relationships with localities and states. There is a vague striving for "participation."

MISSION CHURCH CENTENARY, 1871–1971

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, today I urge the Members of the U.S. House of Representatives to join with me on the joyous occasion of the centennial anniversary of the Basilica of Our Lady of Perpetual Help—Mission Church—which is located in my district in Roxbury, Mass.

The Mission Church is staffed by the Redemptorist Fathers and Brothers and the School Sisters of Notre Dame under the capable rector, Very Rev. Joseph F. Scannel, C.Ss.R.

At this time I would like to share with my colleagues and all those who read the record a brief history of the Mission Church.

ALL OUR YESTERDAYS—AND A PRAYER FOR TOMORROW

(By Father Joseph E. Manton, C.Ss.R.)

While a savage snowstorm whirled outside, and almost nine hundred people filled the pews inside, the first sermon on Our Mother of Perpetual Help was preached in the original wooden Mission Church by Father Timothy Enright. That was January 29, 1871, the very day the church opened.

It was not the first time the black Redemptorist habit had been seen in Boston. Two years before, a group of Redemptorists from New York had conducted a mission in St. James, which was so spectacularly successful (eleven thousand confessions, for one thing) that Bishop Williams invited the Redemptorists to establish themselves in his diocese, preferably in the area known as Boston Highlands.

To this end Father Anwander and Father Helmpraecht arranged a meeting with two laymen from Holy Trinity parish. Since they were all Germans (it is sometimes forgotten that the first five rectors of the Mission Church were German) they decided to meet for lunch at a German Beer Garden where a man could get some decent knockwurst and perhaps a foaming stein. The priests, incidentally, wore ordinary business suits because this was the day of the A.P.A.'s, the Know-Nothings, and other anti-Catholic organizations. Bigots would think twice before selling property to Papists.

During the course of the meal the waiter overheard them discussing possible properties and remarked that the very place where they were eating, Franklin Gardens, was available because its lease expired that same day and was not being renewed. So the Fathers looked over the land, liked it, and eventually purchased it. The Catholic Church at large is founded on a Rock, but Mission Church in its own way is founded on a Beer garden. Ironic, is it not, that on the very spot where people used to toss down steins of gurgling lager, now they drift in to take the pledge?

On the grounds of the Beer Garden stood the old Brinley Mansion. While George Washington may never have slept there, Charles Dickens did, on his lecture tour of America. What George Washington did do, was to plot the Battle of Worchester in the mansion's reception room. Some historians claim, too, that the first sullen rumblings against the Stamp Act were raised in the billiard room of this mansion. You could have read some of this on a huge, official bronze plaque that hung, outside the Rectory until one night last summer, when vandals pried it off and roared away in their car. (Probably a band of junkies who wanted to sell the metal for dope.)

The Fathers and Brothers were sleeping in that famous old Brinley House, now become the Rectory, after the exciting day when the cornerstone of our present church was laid in May, 1876. That night Brother Chrysostom stirred uneasily, thinking he smelled smoke. He opened his door and saw one wing of the house in flames. He pounded on doors, roused everyone (one Father sprained an ankle jumping out a window) and then rushed over to the church to set the bell ringing frantically in the night. Firemen and parishioners united to save the building, though it was badly damaged. The Jesuits from Boston College, then situated in town, offered the five Redemptorists hospitality during the weeks when the house would be repaired. So, for quite awhile the Redemptorists lived with the Jesuits, and there are those who think the Redemptorists have never been the same since.

Other things we changed, too. Brookline Road became Tremont Street, and the rather rowdy name of Bunstead Lane was canonized into St. Alphonsus Street. It was 1910 before the twin spires with their booming bells and their illuminated crosses soared up like a double lighthouse over the rolling waves of Roxbury rooftops. The colossal dome has glowed with at least three themes during the course of the decades, namely, the Coronation of Mary, the Veneration of the Picture, and the present portrayal of four Redemptorist Saints, Alphonsus, Clement, Gerard, and Blessed Bishop Neumann.

The gorgeous mosaic of Calvary at the Purgatorian Altar was raised in memory of the men of the parish who gave their lives in the first World War. At that time more than a thousand stars dotted our giant service flag. How many parishes were so large fifty years ago that they could send off that many men to the colors?

In the beginning we were not even a parish, just a "Mission Church" with no authority to baptize or marry. In the course of years the Mission Church has become a famous Basilica. May she never become just a headstone over buried glory, an eccelesiastical fossil, a place where the tourist will prowl with a guide book instead of the worshipper kneeling with a prayer book! We do not think she ever will, but instead, go on flourishing, a dynamic, throbbing spiritual center, because her Patroness is the Mother of Perpetual Help, and perpetual means always!

I would like to include a letter from the Apostolic Delegate to Father Joseph Scannell which expresses the Blessings of our Holy Father, Pope Paul VI.

On the joyous occasion of the Centennial Anniversary of the Basilica of Our Lady of Perpetual Help (Mission Church), Roxbury, Massachusetts, our Holy Father, Pope Paul VI, graciously bestows his Apostolic Benediction upon you, the clergy and religious associated with you, the parishioners, and all who join in observing this happy event.

Much has been accomplished for the honor and glory of Almighty God during these past one hundred years; for this reason, there is joy and deep gratitude in the hearts of all who have been associated with the Mission Church. In the years to come, may Our Lord ever continue to draw the priests and people of the parish closer to Himself, the Way, the Truth and the Life.

To this Blessing of the Sovereign Pontiff, I wish to add my personal congratulations and good wishes. With sentiments of esteem and renewed felicitations, I remain

Sincerely yours in Christ,

LUIGI RAIMONDI,
Apostolic Delegate.

FLEET STILL SINKING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, Admiral Rickover stated:

Last year I gave this committee an ominous assessment of what the Soviets were doing in the naval field. I stated that based on the facts available to me the Soviets were

capable of starting the biggest war there has ever been and that I was not confident the outcome of such a war would be in our favor. What this committee and the American people must realize is that I am not overstating the situation. In almost all respects the position of the United States as a naval and maritime power has continued to decline from what it was a year ago. The United States is weaker, and our weakness is the world's danger.

Mr. Speaker, Once a year the Joint Committee on Atomic Energy, composed of both House and Senate Members, meets to hear the testimony of the man responsible for the development of our nuclear powered naval forces. Admiral Rickover, a man of unimpeachable integrity and proven foresight, speaks frankly. From his unassailable position as the foremost genius in nuclear propulsion techniques he speaks his mind without fear of political reprisal. The facts he presents are those he considers important to national survival and his conclusions are not altered in accordance with the prevailing political expediency.

This year the admiral testified to the growth and operational improvements of the Soviet Union's surface and submarine forces and the continuing decline of the United States in both of these categories of naval strength. He reported that the Soviets now have more nuclear powered submarines than does the United States and that they are currently building three to four times as many new nuclear powered submarines as we are.

He pointed out that the Soviet submarine forces are remarkable not only for their quantity—they have almost three times as many submarines as does the United States—but also for their quality. Soviet submarines are becoming faster and faster and the Soviets now have 65 submarines which fire surface-to-surface cruise missiles. The United States does not have any of this type of sub which can lie undetected by radar and out of sonar range—underwater radar—and wreak havoc on surface vessels, or control "choke points" such as straits and canals, using tactical missiles. The admiral recommended that the United States give top priority to the construction of our own tactical missile firing submarine force.

The Soviets will match the United States in numbers of Polaris-type ballistic missile firing submarines by 1974, a year earlier than predicted last year. No Soviet submarines are of pre-World War II vintage and all are less than 17 years old, while 36 of the total U.S. submarine force are pre-World War II construction and almost half of our submarines are over 17 years old. Eight of the early U.S. nuclear powered submarines are not considered "first line" ships.

The admiral remarked on the fact that the Soviets have given away or scrapped diesel submarines of more recent make than some U.S. units which are still operational. He concluded that:

> It will require heroic measures just to establish a submarine program that will halt further erosion of our position and enable us to hold our own in undersea warfare.

COMPARISON OF UNITED STATES AND U.S.S.R. SUBMARINE FORCES

Submarine type	Soviet Union	United States
Attack	[1] 236	101
Cruise missile	65	0
Ballistic missile	50	41
Nuclear powered	[1] 92	92
Total submarine force	355	142

[1] Over.

The Soviets are matching the expansion of their undersea warfare capabilities with an equally impressive expansion of their surface fleet. In the last 5 years the Soviets have built over twice as many surface combatant ships as the United States. Many of these ships are armed with surface-to-surface missiles which give even a single frigate the capability to challenge an entire task force. None of our surface fleet is presently armed with surface-to-surface missiles which were specifically designed for that purpose.

While the United States has 249 major combatant ships, their average age is 16 years and over half are 20 years old or older. In the last 5 years we have reduced the total number of major U.S. surface combatants by 25 percent. The Soviets have 214 major surface combatant ships with an average age of only 10 years and less than 1 percent of these ships are over 20 years old. Most Soviet combatants are capable of higher maximum speeds than comparable U.S. classes. Soviet gun systems generally outrange that of their U.S. counterparts and surprisingly enough the Soviets are well ahead of us in many areas of electronic warfare.

The admiral summed up the current defense situation with his usual candor:

> Now you may be able to fool the American people through public relations, but you can't fool our enemies that way. . . . The Russians know where we stand, but do the American people know where they stand?

UNPRECEDENTED REQUEST BY LOCKHEED SHOULD BE REFUSED

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. KEATING. Mr. Speaker, Congress is being asked to authorize an unprecedented Federal guarantee of a $250 million loan to save an entirely commercial L–1011 plane for the Lockheed Aircraft Corp.

I do not feel that the Government should participate in this type of guarantee.

This request is unprecedented and should be refused. The arguments against such a loan militate against making such a guarantee.

First, there is no real assurance that this will be all the money required and Congress may be asked to double or triple the guarantee in times to come.

Second, this may set a precedent for the Government to perpetuate incompetent management.

Third, coming to the aid of Lockheed also means helping Rolls Royce, an English corporation, which in turn compounds the already severe balance of trade deficit.

Fourth, it was Rolls Royce's difficulty which precipitated Lockheed's problem and as yet, Rolls Royce has not met the specifications for the engine.

Fifth, it places a premium on under bidding your competitors and then when you are in trouble, asking the Government to bail you out. This is not fair competition to other companies making legitimate bids.

Sixth, making a loan to Lockheed indicates that if you are big enough and fail, the Government will come to your rescue. What about the small businessman who is encountering the same difficulty? Will the Government then determine which businesses will survive and which will be permitted to fail. How far can the Government interfere without distorting the free enterprise system?

Seventh, Lockheed does not have under contract sufficient planes to break even, or pay back the loan. They have firm orders for 110 and options for 68 more. They must sell 250 to 300 to break even. Lockheed traditionally has had a bad record and has not been financially successful in the commercial airplane area.

Eighth, Lockheed had a $2 billion overrun in the C–5A cargo plane.

Ninth, Lockheed underestimated the cost and technical problems on the Cheyenne helicopter program.

Tenth, Lockheed had an overrun on the contract for the SRAM rocket motor.

Eleventh, no financial analyses have been made of the Lockheed Corp. by a Government agency. We do not know what alternatives have been considered.

Twelfth, the collapse of Lockheed would not jeopardize any defense projects.

It has been stated that the Reconstruction Finance Corporation guaranteed loans. However, in that instance, loans were limited to $500,000 and were available to all solvent businesses unable to obtain credit through normal channels, and RFC was a separate corporation.

The Government cannot and should not intrude in the marketplace of a free economy in this manner.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadisti-

cally practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THE BATTLE OF BLENHEIM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARTER. Mr. Speaker, the war which has been waged for so long in Vietnam has caused great anguish, distress, and discontent within our country. The former Secretary of Defense, the Honorable Robert McNamara, the mastermind in the development of the famous Edsel, became so bemused and befuddled as to the cause and course of the present war that he ordered a reassessment to determine why we had gone into Vietnam and the events leading to our increased involvement.

Although he was master architect of this war, it seems that he, like "Old Kaspar" in the Battle of Blenheim, had lost the reason for our being in Vietnam to begin with. To refresh the memory of the Members of the House, I include in the RECORD "The Battle of Blenheim" by Robert Southey:

THE BATTLE OF BLENHEIM

(By Robert Southey)

It was a summer evening;
Old Kaspar's work was done,
And he before his cottage door
Was sitting in the sun;
And by him sported on the green
His little grandchild Wilhelmine.

She saw her brother Peterkin
Roll something large and round,
Which he beside the rivulet,
In playing there, had found:
He came to ask what he had found,
That was so large, and smooth, and round.

Old Kaspar took it from the boy,
Who stood expectant by;
And then the old man shook his head,
And with a natural sigh,
"'Tis some poor fellow's skull," said he,
"Who fell in the great victory.

"I find them in the garden,
For there's many here about;
And often, when I go to plough,
The ploughshare turns them out;
For many thousand men," said he,
"Were slain in that great victory."

"Now tell us what 'twas all about,"
Young Peterkin he cries;
And little Wilhelmine looks up
With wonder-waiting eyes;
"Now tell us all about the war,
And what they fought each other for."

"It was the English," Kaspar cried,
"Who put the French to rout;
But what they fought each other for,
I could not well make out;
But every body said," quoth he,
"That 'twas a famous victory.

"My father lived at Blenheim then,
Yon little stream hard by;
They burnt his dwelling to the ground,
And he was forced to fly;
So with his wife and child he fled,
Nor had he where to rest his head.

"With fire and sword the country round
Was wasted far and wide,
And many a childing mother then,
And new-born baby died;
But things like that, you know, must be
At every famous victory.

"They say it was a shocking sight
After the field was won;
For many thousand bodies here
Lay rotting in the sun;
But things like that, you know, must be
After a famous victory.

"Great praise the Duke of Marlbro' won,
And our good Prince Eugene."
"Why, 'twas a very wicked thing!"
Said little Wilhelmine.
"Nay—nay—my little girl," quoth he,
"It was a famous victory.

"And every body praised the Duke,
Who this great fight did win."
"But what good came of it at last?"
Quoth little Peterkin.
"Why, that I cannot tell," said he;
"But 'twas a famous victory."

WESTBURY, 1798.

CUSTOMS' SEIZURES OF ILLEGAL DRUGS ON UPSWING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROBISON of New York. Mr. Speaker, I have been noticing various reports in our Nation's newspapers relative to the increasing number of illegal drug seizures by the Bureau of Customs. In fact, during the first ten months of fiscal year 1971, drugs of abuse seized by the customs service amounted to 143,334,27 pounds, or over 70 tons. These illicit drugs would have sold for an estimated $127,631,390.

This dramatic upswing in the seizures of illicit drugs is due in no small part to improved procedures and greatly increased examinations of cargo, mail and baggage coming into the United States. Commissioner Myles J. Ambrose and his excellent staff are certainly deserving of our commendation for the fine job they are doing.

One of the most recent drug seizures occurred in Puerto Rico where customs officials seized $40 million of heroin. This seizure brings the total of heroin seized during fiscal year 1971 to over 854 pounds.

I am pleased to include, here in the RECORD, the Department of the Treasury release on this important seizure as further evidence of the excellent job being done by our Bureau of Customs:

CUSTOMS SEIZES $30 MILLION OF HERION IN SAN JUAN

U.S. Commissioner of Customs Myles J. Ambrose today announced the seizure of 201 pounds of pure heroin worth $30,300,000 at estimated street prices. The seizure follows Saturday's announcement of a $23 million heroin seizure in Miami and the arrest of nine persons in Miami and New York.

The latest seizure was made at San Juan, Puerto Rico, by Special Agents of Customs, and resulted in two arrests. The heroin was found in hidden compartments of a 1967 Citroen car, that arrived in San Juan on May 29 via the Spanish vessel, "Satrustegui."

Arrested was Jean Joseph Tonarelli, age 37, an electrician employed by the city of Menasque, France. According to his passport, Tonarelli's home address is Aples de Hte, Province 3, Bd., Fleming, France, which is near Belgium, and 85 miles from Paris.

Also arrested was Tonarelli's traveling companion, Miss Andre Josette Gayraud, age 36, whose home address is the same and who is also employed by the city of Menasque in Southern France near Marseilles.

Commissioner Ambrose said, "The present heroin seizures are a result of the intensified enforcement efforts of Customs to stop the flow of narcotics into the United States. The work of our Inspectors, Special Agents, and the Office of Investigations is showing meaningful results by gathering intelligence and developing smuggling conspiracy cases which contribute greatly to the efforts of the President and this administration to bring the present drug crisis under control."

Commissioner Ambrose stated that the Bureau of Customs had seized over 854 pounds of heroin during fiscal year 1971, more than the 710 pounds of heroin seized by Customs in the last five years.

THE TRAGEDY OF WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FRASER. Mr. Speaker, I received the following poem from Mr. Chester Johnson of New York City.

The tragedy in this war is many faceted. According to Mr. Johnson, this poem was written by Mr. John Stulett approximately 2 months before he was killed in Vietnam. It is marked by a cynicism that borders on despair. This intangible type of tragedy parallels the tragedy of his death. For these reasons alone we must halt the American involvement in this war.

The poem follows:

THE TRAGEDY OF WAR

The bullet rivets an eyeball and the eyes stay blind, don't they, Dick?
Hands and eyeballs still fly off in all directions forever from the unmercy of Viet Nam.

While interpreter Suan Hue translated the long Viet Nam secrets, he held us like a good father holds his wildest sons with good stories—the hand blood gurgles now, but his fingers keep twitching to touch something, anything, nothing and that one severed hand dies in elephant grass at the front door to America's conscience. What does it mean?

We could suffer for your eyes too, Dick. But would you trade them for dead eyes in a second? You ask us over here to do it for you over there for nothing.
What does it mean?

We'll end the war with honor, you say, Dick?
Dying while we stand in line to leave is just like dying for no reason at all.
How much longer? Every life's worth more than the death of the second it takes to die! What does it mean?

We have nothing new to tell you, Dick?
What new way is there to save lives but to stop the killing?
A soldier dies in the puddle as I write this line, a hiding child convulses as you read it. The Killing is our wound-up clock!! tick tick, tick tick, trickling away blood, beautiful arms, my drunk buddies and beautiful slant eyes.
What does it mean? Stop and give you time, Dick?
If bullets catch up with that time we give, we've murdered lives that die in the time. We can't let go of the bullets until they fall short!

Go after death-seekers and men who blow out eyes by being slow!
On this wet hot rainy afternoon, slant eyes melt on elephant grass and a wrinkled man scratches his back up and down on a shrivelled hut—he doesn't have any arms left. What does it mean?
I'm afraid I know.

JOHN STULETT died April 12, 1971.

SPEECH OF CAPT. W. J. MADDOCKS, U.S. NAVY, AT CHANGE OF COMMAND, NAVAL WEAPONS STATION, YORKTOWN, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DOWNING. Mr. Speaker, it has been my privilege to have attended many change-of-command ceremonies at the various military installations within my congressional district. Without exception I have mixed emotions at these functions—sadness for the retiring commanding officer and happiness for the new commander.

On June 12, 1971, Capt. W. J. Maddocks, commanding officer of the Naval Weapons Station at Yorktown, Va., was relieved by Capt. Boyd E. Gustafson. Both of these gentlemen are outstanding naval officers serving their country well in times of war and peace.

Captain Maddocks made an inspiring speech and I think my colleagues will be particularly interested in that portion of his remarks dealing with persistent efforts by some to discredit the military of our country. I ask that his speech be made a part of the RECORD for this purpose.

EXTRACTS FROM REMARKS OF CAPT. W. J. MADDOCKS, U.S. NAVY

Before I read my orders I would like to take this opportunity to thank all of those employees, military and civilian alike, who by their support and dedicated efforts made it possible for Yorktown to carry out its assigned mission despite continually increasing problems of reduced fundings, lowered ceilings, reorganization and consolidation, all at a time when, in fact, the load placed on Yorktown by the fleet has been increasing.

Through their efforts I found it possible to carry out the demanding responsibilities of command and, as a matter of fact, it has been most apparent that only through their teamwork and enthusiasm for service can the complex tasks assigned be properly accomplished.

That these last three years were difficult ones is an understatement. The most painful part being the greatly reduced ceiling, which meant that many employees, temporary and career, had to be separated. Yet despite these trying times, the future of Yorktown seems as bright today as it was three years ago. The station is, if possible, even more firmly established as a basic fleet support element and there is clear evidence that the mission is continually expanding and changing to keep step with the innovation and advances of our modern Navy.

Nevertheless it would be foolhardly indeed to assume easy sailing in the coming years. Certainly my successor will need the same support, loyalty and devotion that was accorded me if he too is to meet the challenges which we can see even now on the horizon.

I know that you will not fail him, that you will generate the same confidence as in the past, and that you realize that the success of the station, our Navy and our Nation is dependent upon selfless, sacrificing Americans both in uniform and civilian attire.

Contrary to the "now" generation, we have at Yorktown and at St. Juliens Creek Annex a team that has a broader view, a greater realization, and the wisdom to understand that greatness comes only from sacrifices and discipline, and that we are a great nation because so many patriots put their fellowman and their country ahead of their personal pleasures and comfort. I say to Captain Gustafson, how fortunate that these are the kind of people you will have in your command. While the world goes berserk outside the gates, you will find stability, sanity, understanding, compassion, respect and order inside.

And because you will have the very finest officers, petty officers, managers, supervisors and employees in your command, you can be sure that the station will not fail in the carrying out of the great responsibilities that are now transferred to your shoulders.

And just as they will support you, they will continue to merit the confidence that the community and the Navy has had in Yorktown, knowing full well that the mission of the station is both a critical and potentially hazardous one.

Now I would address these closing remarks specifically to the sailors and marines here today.

We know that a major drive is underway to discredit the military in this country. That it has been quite successful is common knowledge. To what limit it shall extend is a matter of grave concern to all Americans.

It doesn't take a professional historian to reflect that it has been the U. S. military that has preserved and deterred a third World War during the last 25 years, and that it has been this force that has successfully turned back communist expansion during this period.

Communism has found the U. S. military its chief obstacle to world domination just as the principles of democracy under God have been the chief challenge to atheistic communism throughout the world.

The communist game plan is well publicized—it says "do not engage in a direct confrontation with U. S. Armed Forces; seek victory through exploiting minority group problems, local wars of insurrection and guerrilla action; through psychological warfare destroy U. S. institutions, morality, family and religious discipline, weaken national fiber by encouraging the youth to reject traditional standards of morality and the American ethic, and finally, exploit the traditional liberal environment of the schools and colleges".

Aided and abetted by a variety of groups and individuals in the U.S., this plan has been successfully executed and you see its disastrous effect on our society today.

In my view, you men in uniform provide the only real strength in this nation and will once again become the final bulwark in the preservation of life in the American mold.

To you, to your strength, your loyalty and your willingness to make personal sacrifice will come this task—in not too distant future. I counsel you to be ready for it, to preserve your physical and mental strengths, to fortify your sense of values, your standards, your dedication.

For just as each of you has played an indispensable role in the effectiveness, security and safety of this station—you will have an even more important role in preserving our society.

Once again the lessons of the past are painfully realized. For the military "there is no substitute for victory" today as in the past.

I ask you to dwell on this, to keep it engraved in your minds—not only is there no substitute for victory, but anything less than a winning strategy is devastatingly destructive to our fighting men, their officers and our military leaders.

Better that we abandon the military completely than to embark on such a venture again.

I ask you to keep in mind the foe that some would ask you to accommodate—a cowardly nation that would barter with humans for their political gain for the first time in modern civilized history—a nation that slaughtered millions of peasants in achieving internal control—a nation that drove other hundreds of thousands out to escape terrorism—a nation that grants no liberties whether it be freedom of speech, of the press, of worship or travel to its citizens—a nation that has deceitfully attempted unsuccessfully to hide the fact that it had armies conducting operations inside other neutral countries.

I ask you to recognize that you live in a Nation with by far the highest standards of living, personal freedom and comfort and that the basic struggle between the east and the west is because the east cannot come even close to these standards. I ask you to realize that the long range struggle is really part of a plan to make us give up these standards so that the communist hordes might be raised a miserable fraction.

I ask you to be proud Americans, proud of your heritage and your service—and finally I ask you to be part of an orderly change—for change is needed in every age—but change under law, order and the American system.

AMERICAN POLISH LANDMARK SOCIETY SUPPORTS A NATIONAL HISTORIC SHRINE TO THADDEUS KOSCIUSZKO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MINISH. Mr. Speaker, on June 9 of this year, I introduced in the House of Representatives a bill to maintain the home of Gen. Thaddeus Kosciuszko as a national historic shrine.

The measure, H.R. 9021, would authorize the first national memorial in the United States to a son of Poland. It is my belief that the establishment of Kosciuszko's home as a national shrine is an appropriate recognition for the courage and talent he contributed to America.

Since I introduced the bill, I have received a most gracious communication from the American Polish Landmark Society of Philadelphia, Pa. This letter explains why the site chosen for the national memorial to General Kosciuszko would be a suitable choice, and I share it with my colleagues in the hope they will see fit to support this legislation:

AMERICAN POLISH LANDMARK SOCIETY,
Philadelphia, Pa., June 12, 1971.

Hon. JOSEPH G. MINISH,
Cannon House Office Building,
Washington, D.C.

DEAR MR. MINISH: I would like to add my support to your bill (H.R. 9021) providing money for the restoration and maintenance of a national shrine in memory of General Thaddeus Kosciuszko.

It's about time that our nation recognized the contributions that Kosciuszko made to the cause of American independence.

The house the Polish patriot occupied in

Philadelphia is a reminder of our country's beginnings. With its small rooms and pattern of red and black headers, it gives us a glimpse of the frugality which Kosciuszko had to endure in the 1790's. Anyone who sees the 18th century house on the northwest corner of Third and Pine streets in Philadelphia is struck by its tininess, and at the same time, feels a closeness with the past—a harmony with history—which remains with him long after he has left the quaint corner.

The Kosciuszko house is an example of an age gone by, an inspiration to all men who cherish freedom. It reminds us that Kosciuszko, despite all the fame and adulation he gained in his lifetime, remained a man of modest means. It shows that he did not fight in this country's struggle of independence for a big pot of gold.

My colleagues and I greatly appreciate your efforts on behalf of poor Kosciuszko.

Sincerely yours,

EDWARD PINKOWSKI.

THE RACKET IS SINFUL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, the research of a University of Tennessee professor into the effects of noise on us humans has received, and certainly merited, national attention. Excessive noise is illegal in many cities, but it continues to increase at intolerable rates. Here follows what one Tennessee newspaper had to say on June 6:

[From the Knoxville (Tenn.) News-Sentinel, June 9, 1971]

THE RACKET IS SINFUL

Noise is injurious to health. Enough of it can cause deafness. Sonic booms can harm unborn babies.

But noise is more. It is shattering to the nerves. It can induce headaches. It riles the disposition. It interferes with television, phone calls, conversation, reading and sleeping. The economic losses from disrupted work must be staggering. And it is an inhumane invasion of privacy, which everybody these days keeps saying is so precious.

UT's Dr. David M. Lipscomb has been saying these things for a long time and now scientists all over the country are echoing his analyses and warnings, and adding views of their own.

All of them agree that most of such noises are unnecessary and that much of them are deliberate.

Now and then some public officials talk of doing something about all this. But the noise gets more deafening. Knoxville and other cities have laws, and so do many states, most declaring "excessive noise" to be illegal. But Knoxville's ordinances on noise are hardly ever enforced, unless some citizen or citizens file complaints; but inasmuch as neighbors or acquaintances are often the culprits, such complaints are rare.

Now, noise has grown into a national problem and President Nixon has sent to Congress legislation to give the Environmental Protection Agency power to coordinate research programs, set minimum noise standards, and require manufacturers to come up with quieter apparatus.

The National Industrial Pollution Control Council (whew!) has filed a report deploring noise from motorcycles (top culprits) and such other gadgets as snowmobiles, chain saws, boats, power mowers.

But what about buses, trucks, automobiles without mufflers, ambulances, fire apparatus, sirens of all descriptions? Police cars and fire trucks in a hurry can be excused but even they don't need sirens so loud they blast the skin off every citizen for a mile around. Ambulances, it has been proved, don't need to speed in nine of 10 cases.

Maybe it's just our imagination, or maybe our nerves have had it, but the growing noise in Knoxville is becoming intolerable, especially from muffler-less automobiles and motorcycles. These blasting noise-makers, rigged to outshatter all competitors, even roar up and down Church Avenue past the Safety Building, or up and down Gay Street, past traffic officers, with nothing being done to stop them. And the residential neighborhoods, which once were quiet, have become particular targets of the hoodlums who operate such vehicles.

The Government's Office of Noise Abatement and Control (a branch of EPA) is making studies. OK, but if the noise isn't diminished pretty soon, the people in this country will be setting up a din everybody can hear—a din of protest! If they don't, the noise soon will have them out of their minds.

OFFICE OF EDUCATION APPROPRIATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BELL. Mr. Speaker, I believe that there are no valid fiscal arguments against the higher Senate figure for the Office of Education appropriations when we view it in the perspective of the President's total fiscal year 1972 education budget.

We have been told that a Presidential veto would be the likely result if the Senate appropriations amount prevails.

But, Mr. Speaker, $50 million out of a multibillion-dollar education appropriations bill is hardly sufficient to justify a veto.

The Senate figure is $808 million higher than the House figure.

Of this $808 million difference, $758 million can be accounted for, leaving a real difference of only $50 million: $180 million in a fiscal year 1971 supplemental for college work study, $60 million for Follow Through, $3 million in pay raises, and $15 million for HEA title III—or a total of $258 million—were not considered by the House originally.

Another $500 million can be found in money which was budgeted by the President, but which will not be authorized, for the emergency school aid program.

Anticipating early action on the Emergency School Aid Act authorization, which originally contained a fiscal year 1972 authorization of $1 billion, the President included this $1 billion in his fiscal year 1972 Office of Education budget and expected to request it in a supplemental. Since the authorization bill has not passed, however, and since fiscal year 1972 begins in 2 weeks, the original fiscal year 1971 authorization of only $500 million has been pushed ahead to fiscal year 1972. The Senate has already passed the authorizing bill reflecting this $500 million ceiling for fiscal year 1972.

What this means is that the President was willing to spend $1 billion in fiscal year 1972 for the emergency school aid line item, but because of the delay in enacting the authorization, the maximum he will be able to spend for this purpose in fiscal year 1972 is only $500 million. This results in $500 million "left over" in money earmarked for education which the President will not be able to spend exactly as he had planned. By taking this $500 million in "free money" and applying it to the $808 million difference between the House and Senate figures—and then counting in the other $258 million that is already accounted for—the "difference" practically disappears.

Mr. Speaker, in prior years, some of us opposed education appropriations increases because of very real budgetary considerations.

But these budgetary problems do not exist this time.

And in view of the critical need for education funding, I see no reason not to support the additional $808 million.

PETER C. LEMON, CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CEDERBERG. Mr. Speaker, on Tuesday of this week, I was privileged to be present at the White House for the conferral of the Congressional Medal of Honor on one of my constituents by the President.

Sgt. Peter C. Lemon, of National City, Mich., represents the finest qualities of the American serviceman. During a time when service to one's country in the Armed Forces is being degraded, it is refreshing and reassuring to know that men of the quality of Sergeant Lemon serve their country with selfless devotion.

It was a real pleasure to have been able to be present for the presentation of our Nation's highest military award to this gallant young man. I want to commend him for his courage and wish him well for the future.

At this point, I would like to present the biography of Sergeant Lemon and the text of the citation accompanying his award:

BIOGRAPHICAL DATA

Name: Sergeant Peter C. Lemon, United States Army.

Organization at time of act: Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam.

Date and place of birth: June 5, 1950, Toronto, Canada.

Wife: Diane K. Lemon, Star Route Box 294U, National City, Michigan.

Parents: Mr. and Mrs. Charles R. Lemon, 536 Wilber Road, East Tawas, Michigan.

Civilian and military schools attended: Tawas Area High School, Tawas, Michigan; Advanced Individual Training Course, U.S. Army Training Center, Fort Polk, Louisiana; Recondo School at Nha Trang, Republic of Vietnam.

Summary of service: Entered the United States Army at Fort Knox, Kentucky, on February 25, 1969. Released from active duty on December 4, 1970.

Dates and organizataions:

Feb. '69 to May '69: Company D, 10th Battalion, Fort Knox, Kentucky

May '69 to July '69: Company D, 3rd Battalion, Fort Polk, Louisiana

July '69 to Mar. '70: Company I (Airborne-Ranger) 1st Infantry Division, Republic of Vietnam

Mar. '70 to July '70: E Company, 2d Battalion, 8th Cavalry, 1st Cavalry Division, Republic of Vietnam

July '70 to Dec. '70: 2d Battalion, 61st Infantry, 5th Mechanized Division, Fort Carson, Colorado

Overseas service: Republic of Vietnam, July 1969 to July 1970.

Awards and decorations: Medal of Honor, Bronze Star Medal (with one Oak Leaf Cluster), Air Medal (with one Oak Leaf Cluster), Army Commendation Medal, Purple Heart, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal (with 2 Bronze Service Stars), Republic of Vietnam Campaign Medal with device (1960), Combat Infantryman Badge, Marksman Badge (with Automatic Rifle Bar), Expert Badge (with Rifle Bar).

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Sergeant Peter C. Lemon, United States Army for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Sergeant Peter C. Lemon, (then Specialist Four), Company E, 2d Battalion, 8th Cavalry, 1st Cavalry Division, distinguished himself on April 1, 1970 while serving as an assistant machine gunner during the defense of Fire Support Base Illingworth in Tay Ninh Province, Republic of Vietnam. When the base came under heavy enemy attack, Sergeant Lemon engaged a numerically superior enemy with machine gun and rifle fire from his defensive position until both weapons malfunctioned. He then used hand grenades to fend off the intensified enemy attack launched in his direction. After eliminating all but one of the enemy soldiers in the immediate vicinity, he pursued and disposed of the remaining soldier in hand-to-hand combat. Despite fragment wounds from an exploding grenade, Sergeant Lemon regained his position, carried a more seriously wounded comrade to an aid station, and, as he returned, was wounded a second time by enemy fire. Disregarding his personal injuries, he moved to his position through a hail of small arms and grenade fire. Sergeant Lemon immediately realized that the defensive sector was in danger of being overrun by the enemy and unhesitatingly assaulted the enemy soldiers by throwing hand grenades and engaging in hand-to-hand combat. He was wounded yet a third time, but his determined efforts successfully drove the enemy from the position. Securing an operable machine gun, Sergeant Lemon stood atop an embankment fully exposed to enemy fire, and placed effective fire upon the enemy until he collapsed from his multiple wounds and exhaustion. After regaining consciousness at the aid station, he refused medical evacuation until his more seriously wounded comrades had been evacuated. Sergeant Lemon's conspicuous gallantry and extraordinary heroism, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit on him, his unit, and the United States Army.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,500 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the captured.

Lt. (j.g.) Gary L. Anderson, U.S. Navy, 682482, Kane, Pa. Single. 1962 graduate of Wentworth Institute. The son of Mr. and Mrs. H. L. "Chip" Anderson, Cedar Rapids, Iowa. Officially listed as captured May 19, 1967. As of today, Lt. (j.g.) Anderson has been held captive in Southeast Asia for 1,489 days.

PLIGHT SUFFERED BY PEOPLE OF BALTIC STATES

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FORSYTHE. Mr. Speaker, this week thousands of Americans of Baltic descent are especially reminded of the plight suffered by many of their freedom-loving relatives three decades ago.

This week marked the 30th anniversary of Soviet mass deportations, in June 1941, of tens of thousands of Baltic men, women, and children to Siberian slave labor camps.

Such large-scale deportations of Estonians, Latvians, and Lithuanians continued in the post-World War II period.

Lithuania was one of the first countries to experience the aggression of the Soviet Union. On October 10, 1939, a mutual assistance treaty was forced upon that small nation by the Russians, and she was forced to grant air bases and to admit Soviet garrisons.

On June 15, 1940, the Soviets occupied the country, and after a "rigged" election, Lithuania was declared a constituent republic of the U.S.S.R. just 2 months later.

And within a year, Lithuania lost about 45,000 people as they fled, were arrested, or deported. Some 30,000 members of the nation's intelligentsia were deported to Siberia on the night of June 14, 1941, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

Lithuania's suffering is only an example of the difficulties faced by all Baltic peoples. Resistance continues to this day, as a tradition handed down from father to son to grandson.

World opinion must be directed at any appropriate international forum to the denial of the rights of self-determination for the peoples of Latvia, Lithuania, and Estonia.

Their fight has been long and bitter and it still continues. As it does, we should help our fellow citizens to preserve their culture and continue their traditions within the framework of American life.

SECRET REPORT SUPPORTS PRESIDENT NIXON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. McCLORY. Mr. Speaker, notwithstanding the efforts of the administration to prevent the New York Times from continuing to publish the Pentagon report on the war, the disclosures, so far, implicate the Kennedy and Johnson administrations in the disastrous Vietnam buildup.

Mr. Speaker, I respect the administration efforts to prevent classified information from reaching enemy hands. The Attorney General is doing only what, by law and by his deep concern for our national security, he must do. But, as an article by Richard Wilson in today's Washington Star indicates the Nixon administration is the beneficiary of the disclosures in the New York Times articles.

Mr. Wilson's column follows:

SECRET VIETNAM REPORT A WINDFALL FOR NIXON

(By Richard Wilson)

Maybe the administration did not leak out the Pentagon's 2.5 million-word, 46-volume report on the incident of the Vietnam war but it is a windfall for President Nixon just the same.

The report in all its massive detail shows as nothing else could how the Kennedy-Johnson administrations took over the limited-risk commitments of the Eisenhower administration in Southeast Asia and made them into a large-scale, high-casualty war which Nixon is liquidating.

In this respect the Vietnam war winddown is like the Korean war, a conflict undertaken in a Democratic administration and brought to an end in a Republican administration. It is somewhat ironic, but a tribute to the New York Times news judgment and enterprise, that it should have obtained and begun publishing such devastating documentation.

The Times has not admired the way Nixon has been getting out of the war but, by its own standards, it has even less reason to admire the way President Johnson's former Secretary of Defense McNamara, Gen. Maxwell Taylor, et al., got into the war.

In view of the record as it is now so painstakingly being set forth it is hard to imagine how the Democratic presidential candidates, who were right here on the scene but did not make known any opposition to the war in its incidence, could make any credible issue on the way Nixon is trying to end the mess on at least a half-way constructive basis.

To relate the Cambodian and Laos diversions in the process of withdrawal with the Kennedy-Johnson escalation seems particularly absurd. The college demonstrators and their professorial mentors can't be convinced that this is anything else but a sneaky Nixon version of McNamara's war, but more mature elements will certainly be able to see the difference. Protests which might have been valid at the end of the Johnson administration or at the Democratic National Convention have lost any semblance of a rational basis.

Nixon keeps saying that to end a war is easy but he is finding it hard as hell. It is hard to lose the illusions that led Johnson, McNamara and Taylor into commitments they could not fulfill. And it is even harder to emerge from this darkness of disillusionment into the light of a well ended war with concepts of honor and good purpose intact.

If we survive this one without shattered self-respect it will not be due to the forebearance now of those who remained silent when, in advance of the presidential election of 1964, great plans were afoot for the heaviest bombing operation the United States ever undertook. And in that year it was Barry Goldwater who was pilloried for being trigger happy!

There is enough blame to go all the way around. Nixon, as a private citizen and public man, supported the war. Johnson changed his mind about the bombing, finally bought escalation to a halt and began to entertain ideas for a winddown and withdrawal advanced by Clark Clifford.

Johnson will have his own story told in his memoirs soon to be published but it is not likely to alter the record of covert, clandestine and finally deceptive advancement into a major war which the Pentagon itself had written.

Where were the Democratic presidential candidates during the great deception? Sen. George McGovern was in the Senate—saying nothing. Harold Hughes was governor of Iowa—saying nothing. Edmund S. Muskie was in the Senate—saying nothing but now remembering that he had doubts. Hubert H. Humphrey was vice president and saying plenty—all of it in support of President Johnson's policy in Asia.

Nor are columnists who thought America could do what it put its mind to do exempt from blame. They suffered, too, from the World War II mentality that the United States had a mission and could carry it out for the betterment of world peace and security. Some who doubted the wisdom of the escalation, but agreed with the objectives, could see no alternative to supporting the adventure once it had begun.

The Nixon White House says it serves no constructive purpose to arouse anew the bitterness and recriminations bound to flow from the Pentagon's self-analysis. But maybe it will if it only slightly chastens those who now make Nixon's way out of the war more difficult by accusing him of the deception they so freely attribute to Johnson.

The contrast is sharp and clear. Nixon is getting out of the war that Johnson got into, and the record shows it.

SPEAK UP FOR AMERICA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. FASCELL. Mr. Speaker, the Certified Plumbers of South Florida sponsor an annual contest for high school students in which participants have the opportunity to "Speak Up for America."

Many hundreds of Dade County high school students entered essays in the competition this year, and on May 18, 1971, the top 50 winners were honored at an awards banquet in Miami.

Four young men and one young lady carried away the top five awards with $1,000 going to the winner. Runnersup, according to order of finish, received $750, $500, $250, and $125. In addition the first- and second-place essayists won an American Heritage Tour of Washington, D.C., along with their teachers and other adult leaders who contributed to the success of the program.

Included in this group are Mother Maria Assumpta, principal of Notre Dame Academy; Miss Lena McClure, a teacher at Miami Senior High School; Mrs. Dorothy Massey, a teacher at Miami Norland Senior High School; Miss Margaret Bettendorf, a teacher at Notre Dame Academy; and Mr. Jeffrey Rosinek, a teacher at Coral Gables Senior High School. Mrs. Margaret Sims, the contest director, is accompanying the tour group as a representative of the Certified Plumbers of South Florida.

Rezso Magashazy, 17, son of Mr. and Mrs. Rezs Magashazy of 1429 SW. Third Street, Miami, and a senior at Miami High School, won the top prize of $1,000. In his essay Rezso wrote:

America needs a revolution. Not a political revolution, but a revolution of ideas, a change of direction, a change of thinking. It needs less people to talk of others going hungry and more people who will provide jobs for the poor. People who have learned that peace does not come from the barrel of a gun, but through understanding and the realization of the universal brotherhood of man.

The second-place winner was Vincent R. Corvaia, 18, the son of Mr. and Mrs. Vincent Corvaia, Sr., of 16951 NE 18th Avenue, Miami, and a senior at Miami Norland High School. Vincent wrote:

I admit I would have liked to have lived in the wooden colonial days of Benjamin Franklin, when all of America was a dream. Maybe that's it. America, of course, is no longer a dream. It is really finally here. And growing dimmer to many. So the dream must be within ourselves. That's where the individual comes in. The loner. The Rod McKuen-Five Easy Pieces-Henry Thoreau-Captain America man. Searching for a dream within a dream. Taking advantage of my own country's freedom to find my own.

Victoria Simons, 17, the daughter of Mr. and Mrs. Arthur H. Simons of 269 Cranwood Drive, Key Biscayne, and a senior at Coral Gables High School, was the third-place award winner. In her essay, Victoria exhorted:

Take heart. Don't give up on this great country. Don't get wrapped in gloom and trapped in despair. Sure there are problems and problem kids, but, by and large, the new generation of Americans you have raised has not lack of faith in America, not lack of energy, not lack of commitment to the priceless heritage of freedom you have bequeathed to us.

Fourth-place winner Donald J. Painter, 17, and a senior at Hialeah High School, is the son of Mr. and Mrs. Donald Painter of 201 West 50th Street in Hialeah. Donald wrote:

We must arouse the sleeping giant that is the American spirit to attack our basic and fundamental problems with the same vigor and fortitude we displayed in two major wars, because, in a sense, we are fighting a war. We're fighting for the right to live in a free nation, to breathe clean air, to drink clean water, to have children, and to have grandchildren.

John R. Toggweiler, 18, the son of Mr. and Mrs. John H. Toggweiler of 1139 Robin Avenue, Miami Springs, and a senior at Miami Springs High School, won the fifth-place award. In his essay John observed:

As Americans, we are uninhibited in our search for truth. We are constantly exposed to new, innovative ideas which are absorbed into our life patterns. Our society is in constant flux, constantly changing to meet the demands of new times.

Mr. Speaker, I know our colleagues join in welcoming this distinguished group of students, teachers, and civic-minded citizens to the Nation's Capital. I am pleased to be able to call the attention of the House to the 1971 "Speak Up for America" essay contest winners.

Such a program, which involves our youth in thinking and writing about our Nation and its future, contributes a great deal to the necessary national dialog concerning the purpose and direction of the United States. The sponsors of the program, the Certified Plumbers of South Florida, including Chairman Russell J. Seiferth and Trustees R. F. Hildebrandt, Harley Lasseter, Jr., and Sam W. Long, deserve commendation for their efforts to promote that kind of communication.

NOISE: THE NEED FOR DECISIVE ACTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ROSENTHAL. Mr. Speaker, we are living today in an age of intense concern with the quality of life and the quality of the environment where we spend that life. The air we breathe, the water we drink, the food we eat—all are objects of increasing concern. Another element in the quality of life is the topic of these hearings, noise.

Acoustics experts have said that everyone living in a city could be stone deaf by the year 2000 if noise levels keep rising at the present rate. Noise pollution has become a serious health hazard, according to evidence presented at last week's meeting of the International Standardization Organization in Geneva, Switzerland. Urban noise has been rising at the rate of 1 decibel a year, it was shown, and if it continues every urban dweller will be deaf by the end of this century, less than 30 years from now.

We are inundated with all kinds of noises, from all sources and all directions.

Noise, like so many other forms of pollution, is a product of our technological advancement. But this need not be. For far too long we have blindly accepted belching smokestacks, sewage-filled rivers and screeching machinery as signs of progress. We are just beginning to realize they need not be inseparable.

Pollution does not have to be the price of progress.

We have the know-how to clean the air, protect the water and quiet the noise. Too often, however, what has been lacking was the will to put that knowledge to work.

Noise is more than uncomfortable. It is debilitating. It can and does interfere with our sleep, our work and our leisure.

Studies have indicated that loss of efficiency due to noisy working conditions could be reducing our gross national product by several billion dollars a year. Billions more in potential workman's compensation claims are believed generated annually by noise-induced hear-

ing losses in perhaps as many as 15 million American workers.

The World Health Organization says industrial noise alone costs the United States more than $4 billion a year in accidents, absenteeism, inefficiency and compensation claims.

There is evidence of a close relationship between noise exposure and body fatigue as well as psychological and social stresses.

Noise is one of the major problems in my congressional district. My district is in what may be the world's noisiest city, New York City. It was there that the fire department had to install louder sirens in order to penetrate the noise on the streets.

My constituents are neighbors of LaGuardia airport, one of the Nation's busiest. They suffer the consequences of decades of neglect of the noise pollution problem. Most of them have lived in New York City for many years. They live in established communities and not in hurriedly-assembled subdivision tracts. They were there before the jet arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, that balance is gone. Now these people come home from their city jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more, noise, more distraction, and more simple human discomfort than their offices in the heart of the city.

For too many years, I believe, we have passed the noise problem from one pair of reluctant hands to another.

We cannot afford to delay any longer. Some significant first steps have been taken by the Congress, although administration response in carrying out this mandate has been somewhat lacking. We in the Congress must continue to prod the administration and to increase our involvement in improving the quality of our environment and fighting noise pollution.

Unless we act now, we will soon reach a critical stage.

I am most disappointed with the aircraft noise provisions of H.R. 5275 and H.R. 5388, identical versions of the administration proposal, the Noise Control Act of 1971.

Not only does this legislation give inadequate attention to one of the major causes of noise pollution, but it places responsibility in the wrong hands.

This bill gives the administrator of the Federal Aviation Administration the authority to prescribe noise standards, rules and regulations applying to aviation. If the administrator of the Environmental Protection Agency feels those measures do not adequately protect the public, he has no power to change them; he may only request the FAA administrator to review them.

This is exactly the opposite of the way it should be. The FAA has acted with deplorable slowness in implementing the mandate of the Aircraft Noise Certification Act of 1968 (Public Law 40–411) and has consistently shown itself to be a poor leader in noise abatement.

The FAA is not the one to set noise standards; after all, its prime responsibility, under law, is to promote aviation, not protect the environment—that is the job of the Environmental Protection Agency.

EPA is, therefore, the proper agency to establish standards, rules, and regulations for noise, whether the source of that noise is aircraft, motor vehicles, industrial machinery, or whatever. Noise pollution is first and foremost an environmental problem.

I wish to speak a moment, in support of two other antinoise bills, Mr. Speaker, H.R. 6987, the Noise Abatement and Control Act of 1971, and H.R. 6989, the Noise Disclosure Act, both of which I am cosponsoring.

The Noise Abatement and Control Act of 1971, H.R. 6987, would expand the functions and responsibilities of the Office of Noise Abatement and Control. It also would establish means for effective coordination of all Federal research and activities relating to noise and its control; establish noise standards; support noise research and control programs at all levels of government; establish a Federal policy of procurement and contracting which promotes noise control, abatement, and prevention; and establish a Noise Control Advisory Council to provide expert advice on noise.

Action of this nature is vital if we are to protect ourselves and generations to follow as well as protect our environment from the potential health hazards of noise pollution.

The Noise Disclosure Act, H.R. 6989, would require the disclosure of the operational noise level of machinery distributed in interstate commerce and require all noise-generating mechanical and electrical equipment to bear a label disclosing its operational noise level.

Such information would enable the purchaser, whether he is a major manufacturer or common consumer, to know the noise produced by a product he is purchasing. This is necessary if every citizen is to play his role in protecting the health of himself and others as well as protecting our environment.

I will have more to say on the subject of noise pollution, especially as it involves aviation, in the days and weeks ahead, including specific legislative proposals that will deal with immediate needs as well as long-term solutions.

MODERATION IS NEEDED

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. WYMAN. Mr. Speaker, moderation is sorely needed in this country; moderation and restraint.

A good example of the need is found in the extreme statements and positions taken by both right and left in their impatience with the status quo and their desire for change. There is a way to change thinks in this Nation but that way is by majority vote not by character assassination or violence.

Recently the left has taken to the same pattern of overstatement and exaggeration that characterized some who spoke in an earlier era. When directed toward such conscientious and devoted public servants as Dr. Foster of the Department of Defense or Hon. Melvin Laird, the Secretary of Defense, it constitutes an abuse of the right of free speech.

In this connection the following editorial by the distinguished Columnist Joseph Alsop is of interest:

[From the Washington Post, May 26, 1971]

LEFTWING MCCARTHYISM

(By Joseph Alsop)

It has long been pretty obvious that a new brand of McCarthyism was gaining ground on the left in this country. Even the late unlamented Joe McCarthy never attempted anything quite like the leftwing stormtroopers' organized attack on the instrumentation laboratory at MIT rather more than a year ago.

The new McCarthyism has now moved on, however, from the kind of outrage that took place at MIT, to the kind of direct attack on disliked government policymakers that was so common in the dreadful McCarthy years. A prime current target is the Pentagon's able director of defense research, Dr. John S. Foster.

The Federation of American Scientists is Dr. Foster's official attacker. This is an exceedingly odd organization. The Eisenhower-era chief of defense research, Dr. Herbert F. York, serves as a sort of glorified front man, precisely because of his past Republican associations.

There are other people linked to the federation who are relatively neutral figures, like Dr. George Kistiakowsky. But the moving spirits are men much further to the left, like Dr. Salvador Luria and Dr. George W. Rathjens, both of MIT, and both active encouragers of the attack on the instrumentation laboratory. Incidentally, this is now the independent Draper laboratory, because of the attack's partial success; and MIT has lost heavily thereby.

The federation's chief mover and shaker, finally, is the exceedingly leftwing political scientist from Princeton, Dr. Jeremy J. Stone. There is every reason to believe that Dr. Stone completely shares the views of his father, I. F. Stone. And I. F. Stone has not departed a quarter of an inch from the Soviet line on any foreign or defense policy question in the last two decades—including the Soviet line on Israel's role in the six day war.

Dr. Jeremy Stone is the director of the Federation of American Scientists. Rather recently, the federation prepared a bitter personal attack on the Pentagon defense research chief, Dr. Foster, in the guise of a supposedly scientific analysis of Soviet research and development. Rather naturally, Dr. Foster's friends wanted to get a copy as early as possible, to study the character of the attack.

In consequence, Dr. George Heilmeier, a White House fellow now on assignment to the Pentagon, called Dr. Jeremy Stone to request a copy. The request was at first refused, but Dr. Stone then asked who Dr. Heilmeier was. He replied that he was working in Washington on a White House fellowship. He was then asked whether he knew

an earlier White House fellow, known for his leftwing slant; and when he replied affirmatively, this seemed to act as a sort of password.

"You know," said Dr. Stone, after promising Dr. Heilmeier a copy of the federation's paper, "this guy Foster is dangerous." Dr. Stone went on that it was urgent to "zero in on Foster," in fact to "get Foster." In sum, the mask was dropped, and the ugly face of straight-out leftwing McCarthyism was nakedly displayed.

The attack on Dr. Foster has more recently been continued in the open, before the research subcommittee of the Senate Armed Services Committee. The controversy needs no special comment, except to say that Dr. Foster is undoubtedly correct that Soviet research investments are now much higher than U.S. research investments.

There are two other things that do need saying, however. To begin with, no experienced person can doubt that Dr. Robert Oppenheimer's opposition to an American H-bomb would have been supported by 95 per cent of U.S. scientists, if U.S. weapons policy had then been the public matter that it has become nowadays.

Even in their own fields, in short, scientists are seldom sound policy-makers; and this accounts for the positions taken by many able but politically woolly minded scientists. But the attempt to "get" John Foster, like the attack on the instrumentation laboratory, has another uncomfortable meaning, too.

The Draper instrumentation laboratory was, and still is, an invaluable and quite irreplaceable asset of this country's national defense. In quite another way, Dr. Foster is also an important asset of our national defense. The reason for this is simple.

Often almost alone in the government, the director of defense research has invariably put a tough-minded interpretation on such evidence as we have on Soviet defense developments. In just about every case, the tough-minded interpretation has turned out, in the end, to be the correct interpretation. So it would suit a lot of people to have Foster out of the way.

CHIEF BENEFICIARIES OF AMERICA'S BLESSINGS NAIVELY QUESTION THE SYSTEM WHICH MAKES THEM POSSIBLE

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. LATTA. Mr. Speaker, a friend of mine has called my attention to Abigail Van Buren's column which appeared in the June 15 issue of the Washington Evening Star. After reading the article I thought that I should share a part of it with my colleagues since we seem to be living in a unique period of our history when many of the chief beneficiaries of America's blessings are naively questioning the system which makes them possible. The article follows:

DEAR ABBY: I heard a good one the other day and would like to share it with you: A hippie couple were walking down the street. They both had long hair and were dressed in typical hippie attire, complete with beads, sandals and Indian headbands.

The fellow said to the girl: "I'm going over and pick up my unemployment check. Then I'll drop in at the university to see what's holding up my check for my federal education grant. After that I'll pick up our food stamps. Meanwhile, you go over to the free clinic and check your tests, pick up my new glasses at the health center, then go to the welfare department and apply for another increase on our eligibility limit.

"Then I'll meet you at 5 o'clock at the federal building for the mass demonstration against the rotten Establishment."

PHILADELPHIA KOSCIUSZKO RESOLUTION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. EILBERG. Mr. Speaker, on Friday, March 26, I introduced a bill, H.R. 6759, in which I am deeply interested. It proposes to make the last residence in this country of the great Polish-American patriot, Gen. Thaddeus Kosciuszko, a national historic site. The Kosciuszko house is located near Independence Square in Philadelphia, a portion of which it is my honor to represent in Congress. I feel the enactment of this bill would afford fitting recognition to General Kosciuszko, who did so much in the cause of the American Revolution.

Additionally, I believe that the enactment of this measure, we are not only extending recognition to the efforts of a single patriot, but are honoring those of our fellow citizens who share his ancestral heritage. Indeed, we honor all the varied groups who have added their substance to the fabric of America, by thus memorializing Thaddeus Kosciuszko.

Related to this proposal, the City Council of the city of Philadelphia passed a resolution memorializing the Congress of the United States to enact legislation authorizing the secretary of the Interior to acquire and restore the 31 Pine Street house as a national shrine to Thaddeus Kosciuszko. It is with pleasure that I insert the letter of transmittal of this resolution from Paul D'Ortona, president of the Philadelphia City Council, and resolution No. 402, calling for the acquisition and restoration of the Kosciuszko home:

JUNE 9, 1971.

Hon. JOSHUA EILBERG,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EILBERG: I am enclosing herewith a certified copy of Resolution No. 402, entitled:

"Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street House as a National Shrine to Thaddeus Kosciuszko."

This Resolution was adopted by the Council of the City of Philadelphia at a meeting held May 27, 1971.

Sincerely,

PAUL D'ORTONA,
President, City Council.

RESOLUTION No. 402

Resolution memorializing the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko

Whereas, The National Park Service has recently listed, in the National Register of Historic Places, the three and one-half story brick building at 301 Pine Street, Philadelphia, as a tangible reminder of properties worthy of preservation for their historic value; and

Whereas, This existing structure, built in 1775 by Joseph Few, a Quaker merchant and member of the Carpenters' Company, was the last residence in America of General Thaddeus Kosciuszko who dedicated his services to the cause of American independence; and

Whereas, In this brick building Kosciuszko recuperating from wounds suffered on a Polish battlefield in a vain attempt to free his land from foreign rule, held important meetings with Thomas Jefferson, John Adams and other patriots of the war for American liberty and independence; and

Whereas, This building, now vacant and rapidly deteriorating despite attempts to restore it, is greatly in need of measures to protect the shell of the dwelling by shoring up the floors and boarding up the windows and doors; and

Whereas, This historic dwelling is the only meaningful house left that is still associated with the name of one of the great colonial patriots of American independence; a dwelling which if lost, can never be recovered; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memoralize the Congress of the United States to enact legislation authorizing the Secretary of the Interior to acquire and restore the 301 Pine Street house as a National Shrine to Thaddeus Kosciuszko.

Resolved, That certified copies of this Resolution be forwarded to the President and Vice-President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, the United States Senators from Pennsylvania and the entire congressional delegation of the Commonwealth.

ALL AMERICAN AID TO PAKISTAN MUST CEASE

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALLAGHER. Mr. Speaker, the Government of Pakistan has created a situation of unparalleled tragedy in East Pakistan by its miiltary actions undertaken on March 25, 1971, and, according to all eyewitness reports, continuing to this day. The flood of refugees forced to flee to India—now some 5.7 million—is irrefutable proof of these actions, as I saw when I inspected refugee camps early in June.

It should not be forgotten that the leaders and supporters of the Awami League won the election in December. They won 167 of the 169 seats contested in East Pakistan, an absolute majority in the full country in an election everyone concedes was fair.

The sheer number of refugees threatens the stability of India, poses a threat to peace on the subcontinent and, in my opinion, compels a formal change in U.S. policy. If we assist the Government of Pakistan in any way in its effort to thwart the will of the majority, Communist-inspired groups may well replace the moderate leaders who won the election.

I believe the United States must suspend all military, economic, and food

assistance to the Government of Pakistan. According to all reports, the Army has flagrantly misused American aid in the past: for example, boats provided to alleviate the suffering caused by the flood and cyclone in November are now being used to transport troops on their raids throughout the countryside of East Pakistan. There is considerable doubt in my mind whether the populace in the East wing can recover sufficiently from its long-term distrust and recently created fear of the Army to accept aid administered solely by the military forces. According to testimony before my subcommittee, American and World Bank economic aid is all that keeps Pakistan from bankrutpcy and it certainly allows the Army to finance its adventures in the East—now costing some $2 million each day.

Mr. Speaker, this afternoon I had the distinct pleasure of hearing a speech at the National Press Club by the Foreign Minister of India, the Honorable Sardar Swaran Singh. He spoke eloquently and persuasively on the problems created for his government by the military adventures of the Government of Pakistan in East Pakistan and he stated many reasons which, in my judgment, argue for the adaptation of the House of my amendment to the Foreign Assistance Act of 1961.

My amendment, introduced in bill form on Tuesday, June 15, as H.R. 9160 would suspend all aid to the Government of Pakistan until international inspection teams have ascertained that Pakistan is cooperating in allowing the situation to return to reasonable stability in East Pakistan and that, as far as feasible, refugees are being allowed to return from India to reclaim their lands and properties.

In the CONGRESSIONAL RECORD of June 11 on page 19513 I discussed the many ramifications to world peace this situation poses. I spoke of the incredible flow of refugees and I would now like to report to my colleagues the most recent figures. The total number as of June 12 was 5,765,000, comprising 3,067,000 males and 2,698,000 females. This includes 907,000 children under 8 years of age. During April, immediately after the brutal actions of the Army inside East Pakistan, 56,000 each day came into India. During May and until the 5th of June the figure rose to 100,000 each day. Finally, from the 6th to the 12th of June the figure was 124,000 each day.

Any policy which generates this number of refugees—a number which is increasing rather than diminishing—must be the concern of all mankind. Aside from the obvious human misery which has been so compellingly documented in many photographs and descriptions in our press, it is also irrefutable evidence that the situation inside East Pakistan has not returned to normal. I think that H.R. 9160 would strengthen the hand of this administration in its desire to see stability returned to the area, for it would insist that all aid be channeled through international agencies and that our tax dollars would no longer contribute to the agonies and the clear threat to peace.

The Government of Pakistan must be made to fully and honestly cooperate in a normalization process. H.R. 9160 would suspend our bilateral aid and would make a powerful statement to the nations of the world that the idealism and the sincere desire of America to be truly humanitarian has not vanished. I urge my colleagues to join me in cosponsoring my bill when I reintroduce it early next week.

Mr. Speaker, I insert Foreign Minister Singh's speech of today and the text of my bill at this point in the RECORD.

SPEECH OF THE FOREIGN MINISTER OF INDIA, SARDAR SWARAN SINGH

Mr. President, I value and appreciate the invitation to address the National Press Club. There is a special reason for this: I have come here to seek, together with your leaders, a just, peaceful and enduring solution of a problem which has been reported upon so well and in such detail by your Press. So I am happy to have this opportunity to speak to this distinguished gathering of the representatives of the American press who play such a vital role in shaping public opinion.

The tragedy of East Bengal looms large on the horizon of India today: it looms large on the horizons of Asia. It poses a grave threat to peace and progress in our region.

The facts of the situation in East Bengal are well-known to you. But I wish to draw your attention to the dangerous potential of this problem for us and for our region. We should also consider the consequences that the world may have to face tomorrow, if today, due to a sense of indifference or helplessness, or out of some misplaced feeling of delicacy towards the perpetrators of the tragedy, we permit the situation to drift further.

The concern and anxiety which this situation in East Bengal cause to us in India are not ours alone. They are yours too. The character and the magnitude of the happenings in East Bengal are such that they are bound to have repercussions beyond the frontiers of Pakistan and be a source of concern to the international community.

Besides, our two countries have a common commitment to democratic principles and values. These same values and principles are being brutally suppressed in East Bengal.

The suppression of democratic principles by the army in East Bengal, I would remind you, cannot be defended on the ground that it is an attempt to deal with a secessionist movement. The elections took place in Pakistan in December last year for an assembly to frame a constitution for that country. The Awami League, led by Sheikh Mujibur Rahman, swept the polls in East Bengal on a programme demanding greater control over State affairs within the Union of Pakistan. The Awami League's six-point manifesto for the framing of the constitution received overwhelming support of the people of East Bengal. The six-points were not a manifesto for secession or independence. The demand for independence of Bangla Desh came, it should be remembered, in the wake of the bloodbath which began on 25 March. The case is, therefore, clearly of a minority, equipped with gifts of money and arms from abroad, trying to undo, through the use of brute force, the verdict of popular vote.

One of the results of this rein of terror unleashed by the army is that 6 million people have fled their homes in East Bengal and have sought refuge in India. There is no end yet in sight to do this mass exodus. Each day some 100,000 East Bengalis are driven by the Pakistan Army across the border of East Bengal into our country. The dimensions of this exodus will, perhaps, better be understood if I say that we are receiving one refugee every second.

We offer these refugees such succor and relief as we can afford. In our States bordering on East Bengal the schools of our children have had to be closed down to provide shelter for the refugees. Our health services are stretched thin and there are shortages of transport and tentage, food and medicine and other resources needed to cope with this grim tragedy. In the Indian State of Tripura today, there is one refugee from East Bengal to every two local inhabitant. West Bengal, already heavily populated, is groaning under the weight of this endless influx.

Clearly the humanitarian task of providing food, shelter and medicines must have high priority. The cost of relief will run into hundreds of millions of dollars. We had made a token provision of 80 million dollars in our budget for the current year; but even this token provision represents 30% of the additional tax burden which our people will have to bear this year.

While we are doing the best we can within our resources, the financial burden of looking after the refugees is clearly beyond our resources. We have welcomed such assistance as has been forthcoming from foreign governments, from voluntary organizations and agencies and from private citizens. Even though these contributions may not be very large, our Government and people appreciate the sentiments behind them.

Nevertheless, the task is a very large one, and we have our own pressing problems of poverty and unemployment to attend to. We, therefore, hope that the United States, a prosperous country of generous humanitarian instincts and, indeed, other countries of the world may, before long, address themselves more adequately to the problems and needs of relief.

But necessary as relief is, it is a palliative and not a solution to the problem which lies at the root of the situation. It is immediately necessary to stop further influx of refugees from Pakistan and that will come about only if the military action in East Bengal is ended forthwith. The international community must persuade and pressurize the government of Pakistan to that end.

Equally, conditions must be created for the return to East Bengal of those who were forced out of their homes and had to take shelter in India. The Government of Pakistan must be made to accept its proper responsibility for the rehabilitation of these refugees in their homes. In the meantime, their properties in East Bengal should be preserved and protected under international supervision pending their return.

The return and resettlement of refugees in their homes will obviously take a while and relief measures will be necessary and camps will have to be set up for the purpose. It seems to us that temporary relief camps should be set up in East Bengal itself and the refugees now in India should be transferred to these camps.

The Pakistan Government claims to have set up camps or reception centers in East Bengal; but refugees are not returning there because they, apparently, do not trust the Pakistan Government's declarations of amnesty. It is, therefore, necessary to restore their confidence that they will be well treated on return, that they will enjoy safety of person and property and that bona fide measures will be taken to rehabilitate them and protect their rights and interests. As a measure in that direction an area in Pakistan may have to be set aside for these temporary camps, to be administered by the refugees themselves under international supervision.

The basic problem is a political one; and it calls for a political solution. Without such a solution, the atmosphere of confidence and security, which is necessary for the return of refugees, will not be generated. There are

two essential prerequisites: first, the necessary political solution must be found urgently, and secondly, the solution to be effective and enduring must be in accord with the wishes of the people of East Bengal and their elected leaders. Any effort to set up a regime in East Bengal which is not truly representative will only prolong the agony, and harden attitudes and pose hazards to peace of the whole region.

We feel great concern for the personal safety and well-being of Sheikh Mujibur Rahman. He is a leader of very high stature and rare human qualities, who commands the affections of the entire people of East Bengal. We hope that the international community will spare no effort to persuade the rulers of Pakistan to release Sheikh Mujib and to join with him in search of a political solution acceptable to the people of East Bengal. He symbolizes the aspirations and hopes of 75 million people which were expressed as late as last December. These will not be extinguished by his incarceration.

We would urge the international community as a whole, and countries friendly to Pakistan in particular, to bring their influence to bear on the Pakistan Government for a political solution on these lines. Our views with regard to the grant of military aid to Pakistan are well-known. A situation has now arisen in which even the grant of economic aid to that country, in present circumstances, is bound to be used for the suppression of the majority of Pakistan's people. It is, therefore, not out of any ill-will for the people of Pakistan but in the desire that the agony of strife in Pakistan should end as quickly as possible that we urge that all countries should suspend all military and economic assistance to Pakistan till a political solution acceptable to the people of East Bengal is found.

I hope that the people of this country will understand and appreciate our grave anxiety over the situation in East Bengal. We in India have been at the receiving end of the results of the reign of terror and killings that has gone on in East Bengal since 25 March. The point has now reached where the actions of Pakistan's military government threaten to disrupt the economic, social and political fabric of our society and our State. These actions threaten to engulf our region in a conflict the end of which it is not easy to predict.

We have acted with patience, forbearance and restraint. But we cannot sit idly by if the edifice of our political stability and economic well-being is threatened.

In the 23 years since our independence, we have struggled to give economic and social meaning to our political democracy. We have not succeeded in eliminating poverty and hunger and disease from our land, but the lives of our people are a little better than they were 2½ decades ago. We have doubled our food production; we have vastly expanded the availability of education, medical care and the opportunities of work to our people. Our exports touched a high of 7% last year and our growth rate has moved up to 5% per annum. The United States has helped us in our endeavours, and I am sure you share our pride in these achievements.

After our general elections in February which gave our Prime Minister Indira Gandhi, and our party, the Indian National Congress, a massive verdict of popular support for our programmes, we were getting ready for a powerful assault on our economic and social problems. And then came this crisis of Pakistan's making which threatens to wipe out our gains and destroy the prospect of peace and progress for our children.

To any responsible government this would be an intolerable situation. Hence our anxiety that a political settlement should be forged in East Bengal which is acceptable to the Bengali people and their elected representatives so that peace may return to that troubled land and the refugees who have come to our country should go back to their homes.

We face a grave situation; but we continue to have faith and hope that concerted and determined action of the world community will help find a satisfactory solution and lift the threat to India's stability and peace of the region. It was in that spirit that I undertook this tour which has brought me to Washington. I have found here understanding of our apprehensions and sympathy with our objectives.

Thank you Mr. President.

H.R. 9160

A bill to amend the Foreign Assistance Act of 1961 to suspend all assistance to the Government of Pakistan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection:

"(v)(1) All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

"(2) The President shall take measures as may be necessary to assure that no military equipment provided by the United States to any other country shall be transferred to the Government of Pakistan. If the President determines that any such transfer has been made after the date of enactment of this subsection, he shall suspend all assistance under this or any other Act to the country making the transfer and shall suspend all sales of military equipment under the Foreign Military Sales Act to such country.

"(3) The provisions of this subsection shall cease to apply when the President reports to the Congress that international inspection teams have ascertained that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties."

SHALL WE SHOOT THE TIMES?

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. HARRINGTON. Mr. Speaker, the Nixon administration has filed an injunction against the New York Times barring the newspaper from printing further excerpts of the Pentagon's study on the origins of U.S. involvement in the Vietnam war. But the injunction, on a higher level, is really against the American people because it demonstrates a callous disregard for the Nation's ability to make decisions based on all the information.

The Boston Globe in an editorial Wednesday makes this point very clearly. I would like to quote from a portion of that editorial now.

However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country.

The editorial states further that the credibility in Government is sorely shaken, and I believe deserves to be. For in that report, all the lies are laid bare.

At this time, I would like to insert in the RECORD the complete editorial for the benefit of my colleagues.

[From the Boston Globe, June 16, 1971]

SHALL WE SHOOT THE TIMES?

There are some things which no government should or will confide to anyone outside of its own inner circle. This is not because all things are not indeed the citizen's business. They are and must be if government is to be the servant, not the master of the people. It is because the business of surviving as a nation may be at stake.

The nation's plans for resisting invasion clearly are and must be government's secret. The way to build an A-bomb or an N-bomb or even, who knows? an XYZ bomb is not ever going to be released to the nation's press, and the newspapers themselves would be the first to demand some official scalps were this to occur.

But certainly the New York Times's disclosures on the machinations and deceptions connected with American participation in the Indochinese war do not fit the description of a national security violation. It can be argued, to the contrary, that government efforts to prevent further disclosure are themselves a threat to the national security. However strained the rationale may appear to be, what the government is saying, nevertheless, is that official conniving and duplicity or, perhaps, simple stupidity, are none of the American people's business even when the cost is 55,000 American lives and a frightening torn country. The Times's disclosures pertain only to prior Administrations.

The Times's revelations, says the Department of Justice (and a Federal court has at least temporarily concurred), "will cause irreparable damage to the defense interests of the United States." On the contrary, however, irreparable damage is done to the nation when such disclosures are suppressed.

The people's confidence in either their government's integrity or its wisdom or perhaps both may be shaken all the more when government persists in the outlandish view that how the nation was conned into this war, and conned illegally at that, and how it could similarly be plunged into another, is none of the public's business. Where it is shown that past Presidents can and do err as grievously as has been demonstrated (either because they were too self-willed or were the victims of advisers) the motives of incumbent administrators who would conceal the facts then themselves inevitably becomes suspect.

The Nixon Administration takes the curious position that it was a breach of security to disclose that the Gulf of Tonkin resolution was drafted three months before the incident on which it was based. But the real outrage is the resolution itself and the suppression of this vital information until now. Had the Congress and the American people then known what they know now, we would have been out of Indochina long before this. The Nixon Administration's abhorrence of the disclosures does not exactly put to rest all doubts of the legitimacy of its own purposes in continuing the war into which the nation was apparently tricked.

Mr. Nixon speaks of saving the lives of American "boys," just as President Johnson did, and he is indeed bringing them home in numbers. But there are still more than 200,000 of them over there, and he stubbornly resists all efforts to bring them home now and thus save their lives.

In leaving them there he is prompted by the same dubious reasons that prompted President Johnson to send them there in the first place. If ever there were arguments that should convince wavering senators that passage of the McGovern-Hatfield resolution is vital, the Times's disclosures and the Administration's reaction to them is it. It is not only the integrity of the Johnson Administration that is at stake. It is the integrity of the Nixon Administration. The Times's disclosures of what happened four, five, 10 or 20 years ago "do irreparable injury to the defenes interests of the United States" in the same way that those interests were impaired by disclosures that George Washington's false teeth were ill-fitting.

What happens when a government bottles up legitimate information, or tries to, has been demonstrated time and again. It was not until 13 months had passed, for example, that the nation learned that peace was possible in 1964, if Mr. Johnson had wanted it, which he did not—and, seemingly, this Administration does not now because the time is not ripe. The Thieu government is not yet sufficiently entrenched.

The virtues of the fullest possible disclosures were put down in 1968 in the preface to a collection of his speeches by none other than the former Secretary of Defense Robert S. McNamara—and never mind that he was one of those who kept Mr. Johnson's secrets:

"The people of this nation, in whose name and by whose ultimate consent all high government officials serve, have both the need and the right to be thoroughly informed on decisions. The only narrow and necessary exceptions are those matters restricted by the irreducible requirements of intelligence collection or battlefield security."

The late President Kennedy was even more to the point after the Cuban Bay of Pigs fiasco on which the Times eliminated vital information in its exclusive account of the invasion then planned.

"If you had printed more about the operation," Mr. Kennedy later told Turner Catledge, then a Times editor, "you would have saved us from a colossal mistake."

The Times, in our view, has performed a singular public service, and should be rewarded rather than denigrated by the Nixon Administration. It is significant that no Administration official, and no one else for that matter, challenges the authenticity of the Times's revelations. The only Washington complaint is that it has unearthed facts which Washington wanted to keep locked in one of its dark closets.

The whole truth, when it is brought to light, can only help the people to know what they need to know, for their security and that of the nation.

CONGRESSIONAL MEDAL OF HONOR GROVE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. ZABLOCKI. Mr. Speaker, on June 6, Wisconsin became the 12th State to dedicate an acre of land of the 52 acres set aside at Valley Forge, Pa., as a permanent memorial to the men who have received our Nation's highest award for bravery. The Congressional Medal of Honor Grove at Valley Forge has been established by the Freedoms Foundation to keep alive the records of gallantry and sacrificial devotion to duty that distinguishes these men. The grove is, as yet, unfinished. It is, however, a truly great symbol.

Living trees are marked in perpetuity with the names of each of more than 3,000 Medal of Honor recipients. Only 47 men from Wisconsin have received this award, Mr. Speaker; and three presently reside in the State. They are Clayton K. Slack, or Ashland, Wisconsin's only recipient in World War I; Einar H. Ingman, of Tomahawk, Wisconsin's only living recipient of the Korean war; and Gary Wetzel, of St. Francis, a veteran of the Vietnam war.

Mrs. Douglas MacArthur was an honored guest at the dedication ceremonies on June 6. She emphasized that although the general was born and later resided in different States, she wanted her husband's plaque placed in the Wisconsin Medal of Honor Grove.

I share a feeling of pride with the citizens of Wisconsin that the men from our State who earned our Nation's highest award for valor since 1863 are being remembered in the Medal of Honor Grove. I am sure, Mr. Speaker, that the grove will become a national shrine of impelling and patriotic significance—a truly fitting memorial to our country's heroes. Its development deserves the full support of every American.

THE EAST BERLIN UPRISING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DERWINSKI. Mr. Speaker, it is fashionable these days to engage in talk about peaceful coexistence with international communism, the establishment of cultural exchanges, the construction of "bridges of understanding," and the opportunity of making a few extra dollars through trade. It would be a good idea, once in a while, to review the past. Such an occasion presents itself this afternoon.

It was on June 17, 1953, that an uprising occurred in the Soviet sector of Berlin, where construction workers had abandoned their tools a day earlier in protest against increased work quotas. Near-starvation helped to inspire the demonstrations that spread throughout East Germany and involved 200,000 people.

When the revolt of the protesting workers led to a general strike in East Berlin, the Soviet Union moved three divisions into the city, which was isolated from the rest of the world while army tanks were being used in an attempt to quell the disturbances. Soviet forces killed 16 persons, hundreds were injured, and thousands were arrested. Although movement between East and West Berlin had been partly resumed earlier, the state of siege to which the Soviet zone had been subjected did not end until July 9.

A propaganda victory was scored by the United States, which asked the Soviet Union to admit $15,000,000 worth of American food for free distribution to the hungry people of East Germany. Although the Communists spurned the offer, free food was made available in West Berlin. More than 1,000,000 food packages were distributed to East Germans on a come-and-get-it basis.

Conditions in East Berlin have not changed dramatically since the short-lived uprising of 18 years ago. The infamous Berlin Wall has been erected to keep East Germans from leaving, although many have nonetheless risked their lives in attempts at escape. Some have been successful, while others have given their lives in vain attempts to escape life under communism.

The people of East Berlin, many of whom remember the totalitarian brutality of national socialism, are no more enthusiastic about existence under communism than they were about life under nazism. Thousands have voted with their feet and moved to West Berlin and West Germany.

How can we in America speak about peaceful coexistence between the free United States and international communism, when the Berlin Wall eloquently demonstrates the lack of peaceful coexistence between the two sections of Germany, one behind the Iron Curtain and the other part of the free world? Why should we desire to establish cultural ties with a regime whose own people by the thousands have abandoned all their material possessions in order to begin life anew in the West? Who wants to build bridges of understanding with ruthless murderers whose hands are stained with the blood of many millions of God's creatures? Those who would abandon people to perpetual slavery in order to profit from trade with Communist Russia have learned nothing from the tragic events that took place during the summer of 1953.

Mr. Speaker, as the people's representatives in the popular branch of the Congress of the United States, let us not be seduced by the voices that call for coexistence with a regime that makes war upon its own people.

Let us pay no heed to suggestions that we build bridges of understanding with a country that found it necessary to build a wall in order to prevent thousands of its subjects from escaping. Let us disregard the pleadings of those who would fatten their bank accounts through dealings with the Soviet Union, deliberately forgetting that much of the materiel that is being used to kill Americans in Vietnam is being supplied by Moscow.

THE MARYLAND PORT AUTHORITY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BYRON. Mr. Speaker, July 1, 1971, marks the end of the independent existence of the Maryland Port Authority. On that date, the Maryland Port Authority will be absorbed by the Maryland

State Department of Transportation. The new organization under the department of transportation will be called the Maryland Port Administration.

For 15 years the Maryland Port Authority, under the direction of Mr. Joseph L. Stanton, directed the affairs of the Port of Baltimore. During that decade and a half, the MPA has transformed the port from an accumulation of deteriorating railroad piers into a modern, versatile facility that can handle anything from bauxite and radioactive elements to tobacco and grains, the chief commodities shipped through Baltimore in the 18th century. The MPA has been a prime mover in the city's rise as a container port, and it has worked to attract industry to the harborside. Beyond Baltimore, it has constructed piers at Cambridge, on the Choptank River, and has built a large marina at Crisfield.

The prime example of the MPA's port rejuvination work, of course, is its Dundalk Marine Terminal. The authority purchased the land for the terminal—it was Harbor Field, Baltimore's pre-Friendship Airport—in 1961. From a crisscross of runways it created an ultramodern facility that has boosted Baltimore to the status of a major east coast container port and made it the country's leading importer of foreign automobiles.

The list of accomplishments of the Maryland Port Authority is very impressive. Joseph Stanton has run the authority well, always keeping in mind the needs not only of the community in Baltimore but the entire State of Maryland. I wish him and his staff continued success in their new positions with the Maryland Port Administration. I would also like to commend Mr. James H. Grove, of Frederick, who has served with distinction as a commissioner of the Maryland Port Authority.

ALASKA RESOLUTION COMMENDS THREE REPRESENTATIVES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, one of the most important issues facing Alaska is the settlement of the Native land claims. There has been much debate on this issue, both in Alaska and across the country.

There are various proposals which have been introduced in Congress that will provide a solution to the Native land claims question. Besides introduction of specific bills, several Representatives have devoted much time and energy to see that there is a proper settlement to the Native land claims.

The Alaska State Legislature has passed a resolution commending Representative WAYNE ASPINALL, of Colorado; Representative JOHN SAYLOR, of Pennsylvania; and Representative JAMES HALEY, of Florida, for their concern and dedication to this question. The legislature has also expressed its confidence that largely through the efforts and devotion of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time. I would like to take this opportunity to include a copy of that resolution into the RECORD so that my colleagues can be aware of Alaska's deep appreciation to these distinguished men:

SENATE RESOLUTION NO. 11, ALASKA STATE LEGISLATURE

Relating to Native land claims legislation

Be it resolved by the Senate:

Whereas settlement of the Native land claims is of the highest priority for the State of Alaska and its citizens; and

Whereas various proposals have been introduced in Congress which propose solutions to the Native land claims question; and

Whereas the U.S. Congress is divided, to a great extent, over the merits of these legislative proposals; and

Whereas irrespective of their views concerning what a proper settlement of the Native land claims should entail, three representatives have devoted endless hours to research, study, and the holding of hearings regarding the Native land claims; and

Whereas, as a result of their obvious interest and concern in seeking out all pertinent information and their willingness to listen to all persons and organizations concerned with the Native land claims, Alaska and Alaskans can only benefit from the fruits of this arduous task;

Be it *resolved* by the Alaska Legislature that it commends Representatives Wayne Aspinall of Colorado, John Saylor of Pennsylvania, and James Haley of Florida for their painstaking review and study of the Native land claims question and expresses its confidence that, largely through the efforts and devotion to duty of these three men, a final settlement of the Native land claims will be forthcoming at the earliest possible time.

Copies of this Resolution shall be sent to the Honorable Wayne Aspinall, the Honorable John Saylor and the Honorable James Haley, members of the U.S. House of Repsentatives; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

AUTHENTICATION

The following officers of the Legislature certify that the attached enrolled resolution, Senate Resolution No. 11, was passed in conformity with the requirements of the constitution and laws of the State of Alaska and the Uniform Rules of the Legislature.

Passed by the Senate May 10, 1971.

JAY S. HOWARD,
President of the Senate.

Attest:

EMYLOU LLOYD,
Secretary of the Senate.

UNITED CEREBRAL PALSY OF NORTH CAROLINA CONDUCTS SUCCESSFUL FUND-RAISING TELETHON

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. GALIFIANAKIS. Mr. Speaker, the United Cerebral Palsy of North Carolina recently conducted a highly successful fund-raising telethon. Because of the fine services performed by this organization, I would like to share with my colleagues an account of their telethon and a description of the activities supported by the money which they raised.

This program was held for 18½ hours on May 1 through 2 at Reynolds Coliseum in Raleigh. Television stations WRAL in Raleigh and WECT in Wilmington carried it to viewers throughout the eastern half of North Carolina. Because of the large viewing audience which was reached through their efforts, $207,000 in pledges were raised. This sum is believed to be the most money per capita of viewing audience that any cerebral palsy telethon in the country has raised.

The efforts of countless people went into the success of this telethon. Some 1,500 volunteers in 19 communities gave their time and talents to this production. Even such high state officials as Gov. Robert Scott and Secretary of State Thad Eure volunteered their services. On the local level, hundreds of children and various civic organizations collected money from their groups and in their neighborhoods.

This telethon was more than just a source of entertainment and a money-raising activity; it was also an educational program. In informing the public about cerebral palsy, it performed an invaluable service. For example, by watching the telethon which took place last year, a mother discovered that her own child had cerebral palsy. Because of this knowledge, the child was able to receive treatment and has since made a significant improvement.

The telethon also served to stimulate viewers to volunteer for various cerebral palsy projects in their own communities. As a result, more cases of cerebral palsy can now be treated.

The $207,000 raised by this program will be put to good use. One-fourth of it goes to the national organization, the United Cerebral Palsy Association, located in New York. From there these funds will go to support research and training grants and clinical fellowships at hospitals and universities throughout the country. Just within my own district, Duke University, North Carolina State University, the University of North Carolina, and the North Carolina Cerebral Palsy Hospital in Durham have received over $160,000 from the organization.

The rest of the money raised by the telethon will go to support the North Carolina cerebral palsy organization. Because of these funds, the organization will be able to expand its programs and services for the State. These services include counseling of people with cerebral palsy and their families, educational and vocational programs, and residential and custodial care. The organization also assists with home care problems and maintains a referral and followup service. Through the efforts of the United Cerebral Palsy of North Carolina, the cerebral palsied of our State are able to overcome some of the effects of their disease.

Telethons and other fund-raising projects depend on the generosity, care,

and concern of citizens in the various communities. The overwhelming response to this telethon indicates the interest North Carolina citizens have in eradicating this dreaded disease. I am proud of the concern expressed by the citizens of my State, and I salute the efforts of the United Cerebral Palsy Association of North Carolina.

REVENUE SHARING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DINGELL. Mr. Speaker, the Washington Post of June 15, 1971, carried a letter from former Secretary of Health, Education, and Welfare Wilbur J. Cohen in which he expressed his views on proposals for general revenue sharing.

So that my colleagues may have an opportunity to be aware of Secretary Cohen's views on this matter, I insert the text of his letter at this point in the RECORD:

FORMER HEW SECRETARY COHEN ON GENERAL REVENUE SHARING

According to the advocates of general revenue sharing, it is legislation to provide federal funds to states and localities *without any string attached,* without any standards.

I am unalterably opposed to such legislation.

It is unconscionable, in my opinion, to support federal legislation to give governors and mayors, and their legislative bodies, absolutely complete discretion to spend federally raised money any way they see fit without any standards, requirements, criteria, or accountability to the Federal Congress.

With all the tremendous social and economic needs we have in this country, there must be some priorities and conditions in any federal revenue sharing legislation to guide the state and local people who will spend the federal money.

In addition, why should federal taxes go to help a state like Ohio when they don't have a state income tax and have the lowest tax effort in relation to income of any state? General revenue sharing as now proposed would help those who don't help themselves. Before any general federal funds are given, the state should at least have a state income tax. Under general revenue sharing a state could use the new federal money to reduce or eliminate its state personal income or corporation tax if it wished. This doesn't make sense. It sets up the wrong incentives.

There is no guarantee in general revenue sharing proposals that minority groups would get their fair share of the Federal funds. Nor is there any guarantee that the poor and disadvantaged would get their fair share. All the Federal funds could be used for high income persons or for low priority projects or as a substitute for existing state and local expenditures.

In my opinion, any Federal revenue sharing proposal should include requirements for merit selection of personnel, and ways to effectively trace the Federal funds, and performance or budgeting requirements. The requirement in most pending proposals is that the Federal money be spent or given away in almost any manner whatsoever. Is this a responsible way of developing Federalism in terms of effective Federal-State-local partnership? Of course not. It would probably result in graft, collusion, misunderstanding, and undermining faith in Federal as well as State and local government. It is a most unsound, unfair, and corrosive proposal being advocated by people who otherwise are arguing for responsibility and specificity in business contracts. Why not apply these same principles to general Federal revenue sharing?

I am strongly in favor of additional Federal aid to the States and localities but only on condition that the way in which the Federal money can be used are clearly specified in the Federal law and there is accountability by the States and localities to the Congress and the General Accounting Office as to the use of the money.

I sincerely hope the Congress will not vote to enact general Federal revenue sharing as long as the principles and specifics of any proposals are unsound, unwise, and unpolitic, as those which existing proposals appear to advocate.

A MEMORIAL IN HONOR OF MARY McLEOD BETHUNE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mrs. CHISHOLM. Mr. Speaker, for 11 years the National Council for Negro Women has been endeavoring to obtain the funds necessary to erect a memorial in honor of Mary McLeod Bethune. The national council ran into difficulties in meeting their meaningful goal because of the changing priorities of black Americans, and the Congress granted extensions of their authorization in 1967 and again in 1970.

Today the goal of obtaining $400,000 is within reach. As of this morning $275,000 had already been received with a pledge of an additional $100,000 from the women's division of the United Methodist Church. It is because of the near realization of this goal and the growing consciousness and awareness among citizens of the invaluable contribution of black Americans that I have reintroduced on Tuesday, June 15, 1971, the resolution to obtain an extension for 2 more years.

When completed, the Mary McLeod Bethune Memorial will provide for the Washington, D.C., black community a living symbol of this black woman's contribution by providing facilities for outdoor cultural and recreational programs for low-income families. There is little doubt that in death, as in life, Mary McLeod Bethune will serve her people and her country nobly.

She once told a group that she was leaving them "love, hope and the challenge to develop confidence in one another." The proposed memorial will forever enshrine these words and serve as a testimonial to her own selfless dedication to achieve a just society. The memorial will stand in Lincoln Park to remind us all of the black man's contribution to the lifestream of America. It will inspire all Americans as she has inspired me to continue the fight for justice, dignity and equality which is ours to share. Today as we witness our country torn with hate, despair, and disgust of a people divided from each other it becomes increasingly more important that we in Congress retain the same tenacity in seeing through the establishment of this memorial as she did in fighting for a decent life for all.

WHERE IT IS AT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, Brookside School in-the-Berkshires recently held its 44th annual commencement exercises in Great Barrington, Mass.

Mr. George P. Lane, superintendent of schools of the Berkshire Hills Regional School District, was the commencement speaker for the occasion. Among those very much impressed by the address was Mrs. Helen M. Santelli of Southfield, Mass., who has requested that it be reprinted in the CONGRESSIONAL RECORD so that others may benefit from Mr. Lane's thoughts.

At this time, Mr. Speaker, I submit for the RECORD Mr. Lane's commencement address:

WHERE IT IS AT

I feel very honored, that I have been asked to address this forty-fourth commencement at the Brookside School. A few personal reflections—in my travels between schools—I often pass between Routes 7 and 183, and as I glance over the embankment this area always seems to strike me as having a very strange, yet special mystique about it.

Possibly, some of you may remember a play entitled "Brigadoon," which was later made into a film. In the beginning of this production it is very misty—and as the mist ascends there appears a very peaceful, tranquil hamlet tucked away between the hills.

I have ventured down into a hamlet such as this and have been very impressed by the beauty and the peacefulness which surrounds the area of the Brookside School. This area reminds me very much of places described by Thoreau in his writings.

In order to maintain this type of beauty and to keep a natural balance like this during these trying times; one must possess a very strong character and a great deal of insight. A person having qualities such as these is your own Doctor Altarez. Doctor Altarez and the members of his faculty are in my estimation all individuals possessing a great deal of vision. For here is a man, Doctor Altarez who actually grows younger each year—yet matures slowly.

This man handles the problems of today very optimistically. This is a man who has attempted through his forty-four years of teaching to emplant in the minds of youth the same vision, dedication and affection for life which he himself possesses. At this commencement exercise today—you the graduating class are the end result of your stay here at the Brookside School. I am sure that in your futures many of you will attain material rewards, However, as time passes your rewards will become more of a spiritual nature. I am sure that many times in the future you will continually reflect back to your association with Doctor Altarez and the staff of the Brookside School.

All commencement speakers at sometime during their speech have to set forth a challenge to the graduating class of the year—so far be it from me to begin setting any precedents. For these are challenging times—

and what times they are to be optimistic. How will you as individuals accept these challenges?

What kind of a citizen will you as an individual be? Will you be an unhappy, cynical human being, lacking loyalty and affection for your country?

Will you as an individual strive to meet the ideals of Doctor Altarez and become a person possessing loyalty and dedication to his country?

3. Are you as a person willing to participate in striving to make our supposedly not so great society—possibly a better one for all of us to live in? Or in other words are you willing to get involved—for if change is going to occur we must all be the type of person who is willing to strive for this change positively. Let us not have revolution simply for the sake of revolution. Let us all realize that at the end of the rainbow—there is indeed a pot of gold—and that we can all have a better country in which to live—if we are all willing to work for it.

4. How will you handle the problem of ecology—certainly your association here with the Brookside School has made you intensely aware of the beauty of nature. Will you be willing to work constructively in order to keep natural beauty in nature?

5. Will you as individuals be willing to carry forth the humanistic values from which you have been a part of, to others less fortunate and unaware?

6. Will you develop a sense of humor and be able to smile at life with its trials and tribulations?

7. Will you be willing to give rather than only take from the society in which you live?

I could make this speech longer—yet I cannot help but feel that in my closing you would probably get a lot more out of what I am going to read to you—a passage entitled "Desiderata" that was discovered in Saint Paul's Church in Baltimore in 1692 and is appropriate for all generations.

DESIDERATA

Go placidly amid the noise and haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they too have their story.

Avoid loud and aggressive persons, they are vexations to the spirit. If you compare yourself with others, you may become vain and bitter; for always there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans.

Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism.

Be yourself. Especially, do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is perennial as the grass.

Take kindly the counsel of the years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune. But do not distress yourself with imaginings. Many fears are born of fatigue and loneliness: Beyond a wholesome discipline, be gentle with yourself.

You are a child of the universe, no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should.

Therefore be at peace with God, whatever you conceive him to be, and whatever your labors and aspirations, in the noisy confusion of life keep peace with your soul.

With all its sham, drudgery and broken dreams, it is still a beautiful world. Be careful. Strive to be happy.

FATHER'S DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CARNEY. Mr. Speaker, the third Sunday in June each year is set aside for honoring fathers, and I would like to take this occasion to join millions of Americans in expressing our gratitude and appreciation for the unique contributions of fathers to family and community well-being.

The credit for the first celebration of Father's Day belongs to Mrs. John Bruce Dodd of Spokane, Wash. The idea occurred to her as a suitable tribute to her own father who had successfully reared a family of six adolescents after the death of their mother. In 1909, she wrote to the Rev. Conrad Bluhm, president of the Spokane Ministerial Association, proposing that the third Sunday in June be set apart for honoring fathers. The association approved the proposal when it was submitted to its members, and the first celebration of the day was held in Spokane in June 1910. Sons and daughters were asked to wear red roses in honor of living fathers and white roses if their fathers were dead.

The day was a tremendous success, and Mrs. Dodd went on to form a Father's Day Association. Gradually, support gathered to make the observance national. In 1924, President Coolidge wrote to Harry C. Meek, president of a Lions Club which had sponsored a Father's Day celebration on the third Sunday in October:

As I have indicated heretofore, the widespread observance of this occasion is calculated to establish more intimate relations between fathers and their children, and also to impress upon fathers the full measure of their obligations.

President Wilson had antedated President Coolidge in recognizing Father's Day, however, when he pressed a button in Washington unfurling a flag on the platform at a Father's Day celebration in Spokane.

And in 1918, a Father's Day of a different kind was observed. At the suggestion of the Stars and Stripes, the official newspaper of the American Expeditionary Force, fathers at home wrote to their sons in France and the sons wrote to their fathers.

In the years that have followed, support for national recognition of Father's Day has continued to gain strength in Congress. The Senate passed a joint resolution designating the third Sunday of each June as Father's Day, in 1967, but the measure was not brought to the floor of the House. The report accompanying the Senate bill eloquently stated the need for national observance of this day:

The service rendered to the United States by the American father is a constant source of intellectual and moral strength which helps to perpetuate the highest values of our civilization and our Nation. The designation of an annual Father's Day would point up the genuine regard, appreciation, and love which fathers earn each day, and should be publicly and specially commemorated.

Pioneer fathers, those who began our Nation, having found themselves oppressed by tyrants and intolerance in Europe, had the courage to gather their families together and bravely set off across unknown seas to carve new homes out of the wilderness of an unexplored continent. It was fathers of families who led the way to a new world to find freedom, liberty, and tolerance. It was these fathers who at first hunted, and then cleared and tilled and planted to sustain their families.

Today the wilderness is gone, and we have reaped the fruits of their labors, but contributions to the Nation's greatness continue to be made by the fathers of our land. It is the fathers of today who are still making family life in a home the great civilizer of the world. It is in the home that fathers—with some help from mothers—are nurturing the most important factor in the strength of our Nation, our children.

I hope that all Americans will join in honoring fathers on this day.

A BREEDER REACTOR POWER PLANT BY 1980

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DUNCAN. Mr. Speaker, I was pleased to see editorial support of a breeder reactor power plant. I would like to put in the RECORD the following such item from the Knoxville, Tenn., News-Sentinel of June 13:

A BREEDER BY 1980

The drive to build a breeder reactor power plant by 1980 got a much-needed boost the other day from President Nixon.

The President told Congress he plans to spend an extra $27 million next year on nuclear research and expects to commit $50 million in additional Federal funds toward a demonstration breeder reactor plant.

The plant probably will be built either in upstate New York, along the Susquehanna River in Pennsylvania or in Washington state.

The Government has been criticized in recent months by scientists who say the United States is trailing far behind the Soviet Union and Western Europe in breeder research.

As the President points out, the breeder reactor—which creates more fuel than it uses—is the best method now known for generating cheap, clean power.

Present nuclear plants will exhaust the nation's uranium supply before the turn of the century unless some way can be found to put the breeders into commercial use.

There are problems with nuclear power—the principal one being the threat, however remote, of runaway radiation from nuclear accident.

Nor is it certain that the electrical power industry will be willing to provide most of the money for the breeder plant, as the President proposes.

But breeder power is where we're headed if we hope to keep pace with the demand for energy. And 1980 is none too soon to get there.

THE LIBERAL "PREFERRED" VETERANS GROUP

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. SCHMITZ. Mr. Speaker, the Vietman Veterans Against the War—VVAW—have been portrayed to the American people as a sincere group of disillusioned "angry young men" with altruistic and relatively peaceful motivations. John F. Kerry, a member of the executive committee of the organization, has achieved nationwide wonderboy recognition overnight despite the fact that he speaks for only a miniscule percentage of Vietnam veterans—approximately 1,000 out of a total of over 2,500,000.

During the week of demonstrations held by the VVAW in Washington it was observed that many of these men were in direct violation of statute 10 United States Code section 771–774 which prohibits the wearing of a military uniform or distinctive portions of a military uniform by unauthorized personnel.

Kerry and his meager band have received assistance in their "peace" crusade from liberal establishment sources. For example, Kerry's much publicized Senate antiwar speech was written with the help of former Bobby Kennedy speechwriter, Adam Walinsky. TV time has been made available to Kerry by the liberal pressure group, Common Cause. But in addition to these "respectable" associations, the Vietnam Veterans Against the War have fallen in with some less savory bedfellows.

During House Committee on Internal Security hearings it was brought out that Al Hubbard, the executive secretary of VVAW—who masqueraded as an officer until discovered—writing on that organization's letterhead, sent a letter—April 20, 1971—to "friends" which read in part:

> This is an appeal for the People's Coalition for Peace and Justice. Over the past months the People's Coalition has supported the Vietnam Veterans Against the War in many ways. The Coalition has made office space available at no charge, and permitted the use of all necessary office equipment such as mimeograph machines, stencil-making machines, folders and typewriters. They have loaned us cars, bullhorns, and public address equipment. Their staff has taken messages for us and joined fraternally in building our program. Now we can return this support.

It was interesting to note that the VVAW and the People's Coalition, the latter shown in testimony before the committee to have at least seven known members of the Communist Party on its steering committee, shared the same room at movement headquarters on Vermont Avenue.

While this group commands the national spotlight, another veterans organization advocating allied victory in Southeast Asia has worked for a year and a half to bring their message to the American people. Calling itself the National Committee for a Lasting Peace—NCLP—this organization which is quartered in San Diego, is headed by Jim Cawdry—a former Army major—and Dan Johnson—a former Marine corporal. Johnson and Cawdry have appeared on more than 300 local radio and TV stations and have challenged Senator GEORGE MCGOVERN to debate the issue—he has not seen fit to reply. The NCLP has run up against a stone wall in its efforts to gain a national forum for its victory views.

Attempts to appear on the major nighttime talk shows to rebut antiwar critics have proved futile. ABC went so far as to state that victory in Vietnam—non-Communist victory that is—was not a significant view and therefore not worthy of air time.

Anyone who doubts that a bias exists among the national network news organizations need only examine the coverage given these two veterans groups. The almost infinitesimal Vietnam Veterans Against the War, representing hardly anyone, but having liberal establishment backing and revolutionary support, have been catapulted into national notoriety while the responsible advocates of victory in Vietnam continue to languish in relative obscurity.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutional Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within six days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

GEORGE ANASTAPLO: MILITARY MEN AND POLITICAL QUESTIONS—WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, Greece has been ruled by a corps of colonels ever since the military takeover in 1967. Four years later the citizens of Greece still have not been allowed to return to a constitutional government with the restoration of individual freedoms. In those same 4 years the Government of our country has callously ignored the present-day political realities is Greece. One can only speculate to what extent the attitudes and actions of the United States have helped perpetuate the tyranny under which the people of Greece suffer.

However, not everyone has grown to accept this loss of freedom. There are those in this country who are still aware of the sad plight of the citizens of Greece and who would have us remember and learn from the military takeover in Greece. One of these men is Dr. George Anastaplo. I would like at this time to submit to the RECORD an essay written by him—very appropriately—on Memorial Day of this year.

MILITARY MEN AND POLITICAL QUESTIONS: WHAT THE AMERICAN VISITOR CAN LEARN FROM GREECE TODAY

(By George Anastaplo)

(NOTE.—Dr. Anastaplo, who was born in St. Louis and now lives in Chicago, is Lecturer in the Liberal Arts, the University of Chicago, and Professor of Political Science, Rosary College.)

It should now be evident to all observers that American policy in Greece since April 1967 has been a dismal failure, so much so as to call into question as well the American understanding of and role in Greek affairs before the 1967 coup by a conspiracy of colonels who have exploited and dishonored the army in which they served.

One sees in Greece today how difficult it can be to restore constitutional government and liberty once they have been subverted. Nevertheless, one hears apologists in Greece for the colonels' dictatorial regime insisting there is indeed "liberty" in that country: "If you do what you are told, no one bothers you." Such an attitude accepts as trivial the sacrifice of the traditional political life, and liveliness, of the country, a sacrifice which is sadly apparent to the informed visitor who knew Greece in the better days of the "conservative" administration of Constantine Karamanlis (1955–63), the "liberal" administration of George Papandreou (1963–65), and the royalist administration of King Constantine II (1965–67), however troubled those administrations may have sometimes been.

It is instructive, I believe, to compare the 1965–67 crisis in Greece with the 1970–71 crisis in Canada. I found during my November 1970 and March 1971 visits to Montreal that the Canadian government has acted far more mildly than its invocation in October 1970 of the War Measures Act might have led an outsider to expect. It was evident to the visitor that, however excessive the response of the legitimate Canadian government may have been in October and however troubled the situation remains in Quebec Province to-

day, the Canadian resort to extraordinary powers was really temporary, unlike that of the usurping Greek colonels. (See my article, "Canada and the Dilemmas of Decent Men," Chicago Daily News, Nov. 26, 1970, p. 3 (reprinted in the Congressional Record, vol. 116, pt. 33, p. 44796.)

I also believe it instructive, in that it can help Americans see themselves better, to collect as I have done here some of the comments on contemporary Greece scattered through my forthcoming book on constitutionalism and freedom of speech. (This book, *The Constitutionalist: Notes on the First Amendment,* will be published in the summer of 1971 by the Southern Methodist University Press of Dallas, Texas.) I draw for the comments in my book upon my publications since 1967 about Greek affairs. (I have, during my recent trips to Greece, taken the precaution of having myself accredited as a foreign correspondent for American journals.)

The passages touching on Greek affairs, among which some repetition is inevitable, are taken in this order from the extensive notes of *The Constitutionalist:* I: chap. 6, n. 1, at pp. 564–66; II: chap. 7, n. 78, at pp. 643–44; III: chap. 8, n. 18, at pp. 680–81; IV: chap. 9, n. 34, at pp. 799–800; V: chap. 8, n. 57, at p. 698; VI: chap. 7, n. 67, at p. 627; VII: chap. 4, n. 101, at pp. 491–93; VIII: chap. 8, n. 161, at p. 754; IX: chap. 8, n. 179, at pp. 765–66. Slight modifications have been made (and cross-references have been eliminated) to permit these nine passages taken from my book to stand alone as a series of short essays. The rationale of this arrangement of passages should become apparent to the reader.

It should also become apparent to the reader that topical observations about Greece made by me in 1967 and 1968 remain all too relevant in 1971. Indeed, these dismal observations threaten to remain relevant for years to come, to the very brink of that revolutionary debacle to which the self-serving colonels are dragging Greece and her well-meaning but deluded allies.

However dismal the prospects may be these days for Greece and for the friends of Greece, the gallant Greeks at home and in exile who continue to defy their military tyrants are entitled to periodic recollections by us of how things really are in their distressed homeland. That is, they need to be reassured from time to time that it is not Washington alone who speaks for America.

I.

I have attempted, since the colonels' coup which imposed a tyranny upon Greece in April 1967, to apply to the affairs of that country what I have learned in my own. See, for an indication of what can and cannot be exported of "American freedom," my discussions of Greek affairs which have been reprinted in the daily *Congressional Record* at pages E1875 (Mar. 11, 1969), E2631 (Apr. 2, 1969), E2632 (Apr. 2, 1969), E5156 (June 23, 1969), E5978 (July 15, 1969), E6294 (July 28, 1969), and E10873 (Dec. 20, 1969), and in Volume 116 of the *Record* at pages E935 (Feb. 16, 1970), E1818 (Mar. 10, 1970), and S7535 (May 20, 1970).

Thus, I have had occasion to observe, in my "Guide to Contemporary Greece," *Congressional Record,* volume 115, part 16, page 21018:

"The most serious indictment one might make of pre-1967 Greece is that such people as [the colonels now ruling the country] were permitted to remain in the Army, that they were given an opportunity to seize power, that they could try to seize power and that they could get away with it. It is to be hoped that the Greeks, especially the legitimate political and military leaders of that country, have learned the appropriate lessons from that experience. One lesson is that decent Greeks of all parties and allegiances have much more in common than any of them have in common with the kind of men who are apt to seize power if decent men are not moderate in their political differences. It is also to be hoped that the United States will be moved by this experience to reflect on whether its policies and attitudes in Greece helped prepare the ground upon which the colonels were able to execute their conspiracy."

A question often asked me is whether Americans should "support" the present Greek government by visiting that country as tourists, especially since it has been long established that that regime deliberately uses torture to secure power. Thus, a sensitive art historian (but not a Jew) who had conducted himself honorably in Germany during the 1930s has written me these observations (on the eve of his own visit to Greece in 1970):

"I wonder whether the poor people are happy or resentful with foreigners coming to Greece these days. In Nazi Germany we resented tourists happily coming to, say, Beyreuth to enjoy Wagner, with Hitler thrown in. How can one make clear that one visits Greece, the people, art, country, and not the colonels?"

There *is* a problem here since the colonels do parade the growth of tourism as proof of their success in making the country attractive to foreigners seeking a place where they can safely enjoy themselves.

I have visited Greece annually for almost a decade. I have never discouraged visitors since the colonels' coup (except members of my own family: I do not intend to offer the Greek tyrants, who have been rather displeased by my publications about them, an opportunity to seize hostages [on trumped-up charges] in order to coerce my "good behavior" either during my next visit there or upon my return home). But I have urged visitors to Greece not to go merely as self-centered or uninformed tourists: they should be prepared to make prudent but persistent efforts to talk to Greeks about the regime, to offer what information and comfort they can to that suppressed people (including lawful materials about Greece published abroad), and to publicize when they return home what they manage to learn about that country (especially since the support of our government has been essential to the continuation of the colonels' regime). That is, I have urged prospective visitors to Greece to do for that people what we would want done for ourselves in like circumstances: we can also learn thereby what to be vigilant about in our own community.

The position I have taken about visitors to Greece is essentially that indicated in a letter of mine published in the *Observer* (London), Aug. 14, 1960, during a six-month family camping tour of Europe in the spring and summer of 1960:

"I should like, as a recent visitor to the Soviet Union, to take issue with Mr. John Wain's suggestion that Western tourists provide that country with 'unpaid propaganda work when they get home'

"Almost invariably the fellow tourists with whom my wife, children and I exchanged impressions at the end of each day shared our serious reservations about the dreary, uncomfortable, restricted and monumentally tasteless life the Russian people seem to have had imposed upon them. The tourists with whom we came in contact were young people using the camping facilities we lived in outside Minsk, Smolensk and Moscow.

"Visits by tourists provide a valuable source of information for both the West and the Russians. The eagerness of Soviet citizens to talk to and question visitors reflects their interest in the outside world.

"I should like to urge increased contacts of the kind that only tourists can make. I say this despite the fact I was expelled from the Soviet Union last month, midpoint in a two-week visit, for having presumed first, to photograph and then to attempt to counsel three American and English students detained (and subsequently expelled) for allegedly distributing copies of the United States State Department exchange magazine, *Amerika,* on a Moscow street."

I was declared guilty during my trial (the afternoon of July 28, 1960) of having "subverted public order." (I myself had neither previously known the detailed students nor attempted to distribute any of the magazines they did have: I got "involved" upon trying to suggest a prudent course of action for them to follow after the authorities pounced. Their rashness got us all in trouble—and gave us a valuable opportunity to confirm what I had heard about Russian police practices and judicial "procedures.") See, for more information about this episode, Anastaplo, "Notes on the First Amendment" (University of Chicago Ph. D. diss., 1964), pp. 838–43, an appendix which is prefaced by an observation of Lord Cockburn's in 1853: "In a country like Russia where no one is safe in saying anything against the Government, or like America where every one seems to be safe in saying anything he pleases, obedience to the law is easy." (See, also, Malcolm P. Sharp, "The Conservative Fellow Traveller," *U. Chicago L. Rev.,* 30 [1963]: 704, 718–19.)

The Greece of the colonels is much more like Russia (of the Czars, both extinct and contemporary) than it is like America. The Greek tyrants, however, are more dependent upon and hence more responsive to American public opinion than are their Russian counterparts. See, e.g., my comparison of the effectiveness in Athens of American diplomats with the effectiveness there of foreign correspondents, which is found in a memorandum of October 12, 1970 (*Congressional Record,* volume 116, part 32, page 42624), "American Aid and Greek Tyranny." This memorandum was prepared as a result of my most recent adventures in Greece. (One does acquire a sense of some obligation toward a country which one visits often or from which one has otherwise gotten much.) These adventures saw me deported from Greece to Rome in September 1970 (for what I had written theretofore) and then invited by the Greek government to return after my fellow foreign correspondents in Athens had intervened on my behalf.

I should note that the efforts I have made to explain the Greek tyranny to Americans (who *are* partly responsible for the state of affairs there) have been endorsed by virtually every pre-1967 Greek leader, whether liberal or conservative, whether royalist or antiroyalist. (That is, the legitimate leaders of that country, unlike the colonels, do not regard my efforts as illegitimate "foreign interference in Greek domestic affairs.") I should also note that I did not concern myself with Greek political affairs before 1967, and do not expect to be obliged to continue to do so upon the reestablishment in Greece of genuine parliamentary government. I am afraid, however, that the colonels' regime (which is actively supported by most influential Greek-Americans) is likely to remain in power a long time: things have settled down to a dreary sameness, with little new to report from year to year. Tyrannies *can* be tiresome.

II

Fortunately for the cause of freedom, the men who are today most intent upon instituting repressive measures are also most likely to be negligent in the procedures they employ: that is, they are men who are not likely to be able to restrain and discipline themselves. Rather, they are likely to expose themselves and thus to put decent men on notice about what is going on.

The significance of an adherence by well-trained courts to traditional procedural standards is suggested by the remarkable de-

laying action that the South African judiciary was able to carry on for years against the full implementation of tyrannical legislation. See Lionel Forman and E. S. Sachs, *The South African Treason Trial* (London: J. Calder, 1967), pp. 41, 101, 109, 170, 211. (Consider the newspaper accounts, in early October 1970, of the recourse by the South African government to "the serving of [house arrest orders and public-gathering bans] on 19 Africans acquitted for the second time in Pretoria on Sept. 14." *Guardian* [London], Oct. 5, 1970, p. 4.)

In any event, it is somewhat reassuring that there does seem to be in the world of practical affairs *some* connection between vice and ignorance (or incompetence):

"The Report [on Torture in Greece issued in November 1969 by the European Human Rights Commission in Strasbourg] is a historic step in international human rights law, as it is perhaps the first time that an international body carried out such a thorough investigation of a police state. The horror of the situation emerges vividly from the Report, despite its legal and technical style. Another aspect that emerges is the extraordinary ineptitude of the Greek authorities in handling this case. Especially when the sub-Commission heard evidence in Greece, the confusion of the authorities is manifest. They let the jurists see some witnesses and places and then refused them others. Documents such as police ledgers and medical reports were patently falsified. The Greek government witnesses and lawyers seemed to believe that the argument, 'It is a communist lie' was a sufficient and effective rebuttal to the mass of evidence produced by the Scandinavians. It is clear that the Greek authorities, unaccustomed to the rule of law in their own country, were totally unprepared for the rigors of a proper hearing." [James Becket, *Barbarism in Greece* (New York: Walker & Co., 1970), pp. 107–8.]

I suspect the Russian authorities would be equally inept—but they, unlike the Greek government, are not dependent on Western support and can therefore ignore altogether such proceedings, thereby depriving both themselves and their people of salutary restraints.

III

The censor of publications can suppress on the basis of suspicion alone, to say nothing of whim. But the prosecutor of allegedly criminal writing must rely, if due process of law is at all respected, on more than mere suspicion to sustain his burden of proof. See Leo Strauss, *Persecution and the Art of Writing* (Glencoe, III.: Free Press, 1952), pp. 24–25. One finds in Mr. Strauss's discussion the usually unarticulated premises of the principal argument against "previous restraints."

I had occasion, during a visit in the summer of 1967 in Athens with the Helen Vlachou (the conservative Greek publisher who had refused to publish her newspapers under the colonels' censorship) to prepare at her request the following memorandum:

"Anyone familiar with the Anglo-American tradition of 'liberty of the press' appreciates the importance for friends of liberty of an insistence upon 'no previous restraints.' That is, the effort in the 18th and 19th Centuries to establish and secure the liberty of the press was, in large part, an effort to protect the right of anyone to publish whatever he chose without any prior control by government of the contents of such publication. It was accepted that there could be, when something was published contrary to the law of the time or disliked by the government of the day, prosecution of the offending publisher. But it was nevertheless thought that such prosecution was not as destructive of the common good or as offensive to personal dignity as a prior review by the government of the contents of publication. Indeed, some publishers have always preferred the safety of censorship to the risk of undertaking the obligation of deciding in each case what could be responsibly and safely published.

"What is or should be prosecuted after publication depends on particular circumstances, both social and personal. It should be remembered that the censor's prior restraint may be completely arbitrary and without any challenge, while the punishment for publication has at least the safeguard (except in the most oppressive regimes) of some judicial process in open court. It should be remembered as well that self-regulation recognizes the dignity and sense of responsibility of the publisher

"In the best of all worlds, there would be neither censorship (previous restraint), nor any punishment for honest publication. But it is certainly important that there at least be no censorship, leaving the publisher free to run the risk of honest publication."

It is significant that these observations, drawing on the centuries-old Atlantic tradition, made sense to Mrs. Vlachou who had been obliged to work out similar arguments that summer on the shores of the Mediterranean. Mrs. Vlachou was arrested shortly after our meeting. Her account of her adventures is recorded in *House Arrest* (Boston: Gambit, 1970), which I reviewed for the *Chicago Sun-Times*, June 24, 1970, p. 47. I included in my review the following observations which, with appropriate adjustments to our circumstances, should be taken to heart as well by American conservatives and liberals alike:

"[Mrs. Vlachou] has, among other things, a gift for the apt image, as is indicated by her observation that the colonels have 'hijacked the country,' a seizure made possible by 'the arms NATO had confided to them to protect Greece from real danger.' This hijacking, it must be added, was also made possible by the imprudent feuding from 1963 to 1967 of the politicians, press and Palace of Greece. What makes Greece both exciting and vulnerable is the existence there of a sense of self-importance: each Greek is prepared to lead his country to glory; few are prepared to submerge themselves (except in the face of foreign invasion) to a common purpose. Liberals conveniently detected such an invasion in the maneuverings in Athens of the American C.I.A. Conservatives were more effective in conjuring up foreign threats, partly because of the distorting legacy in Greece of a cruel civil war a generation ago: they could, Mrs. Vlachou admits, publish 'whipped-up warnings of "Communist danger"—always a useful pre-election vote winner for the parties of the right, in which we [her newspapers] had also indulged.' That is, she seems to recognize now the irresponsibility of such thoughtlessly partisan tactics. She has yet to recognize in print the extent to which Greek liberals feared and resented (with some justification) the oppressiveness of the police, particularly outside Athens, an oppressiveness which Vassilis Vassilikos portrays so well in his novel, *Z*. But there were at least available in the world of *Z* unfettered journalists and jurists—unlike conditions in Greece today. Traditional political rivals in Greece do concede these days that they have much more in common with one another than any of them has with the colonels. However responsible Mrs. Vlachou may have been in contributing to the political paranoia and the self-righteousness of the colonels (they were among her most devoted readers), she was perceptive enough to see that such upstart extremists could not be the saviours of Greece—and she was courageous enough, while others preferred to see in the colonels a useful solution to a disruptive constitutional crisis, immediately to declare herself in opposition to them . . ."

See *Book World*, May 24, 1970, p. 5, for my critique of a book of one of Mrs. Vlachou's political rivals, Andreas Papandreou, *Democracy at Gunpoint; The Greek Front* (New York: Doubleday & Co., 1970). (*Free Greek Voices*, a compilation edited by Mrs. Vlachou for publication in 1971 by Doric Publications Ltd. [10a Gayfere St., London], promises to be useful.)

IV

I spoke in September 1968, at a dinner in Athens sponsored by the Greek government for a party of visiting Americans, of the intimate relation between free discussion and a free ballot (see Edmund Burke, *Works*, World Classics [London: Oxford University Press, 1930], 3: 9, 12):

"We know that the most distinguished opponents of your proposed constitution—the politicians who we know have had popular followings for years—have been for some time under house arrest and will not be released before next Monday, and only then in order to be able to vote the following Sunday on the proposed constitution. It has been made clear to them that they are not to speak publicly against the constitution. How can it be said in such circumstances that a genuinely free referendum is being held, irrespective of how the balloting itself is conducted or comes out? . . . Yet, we have been told several times this evening that we are about to witness free balloting, that this is confirmed by the fact that some newspaper criticism of specific articles in the proposed constitution has been permitted. But we Americans know what a free election is. We know this from our own experience. We know what a free election feels like. We know what it sounds like. We know what it looks like. And we know this is not it.

"We Americans do know what to think when we see government resources and government personnel marshaled as they have been here in a massive (and no doubt successful) campaign to produce the desired result. This is no more a free referendum than similar exercises are free either in Spain or in Russia.

"And yet our host and his government have tried to persuade us that we are witnessing a genuinely free expression of the will of the Greek people. It seems important to them that Americans believe this. We Americans may not be informed enough about or familiar enough with Greek history and Greek affairs to be able to judge other claims of this government. But, as I have said, we do have the experience and the ability and the information to judge whether an election is truly free. And when we can see that this government claim about a free referendum, of which we have heard so much, is simply without foundation, what are we to think of all the other claims that we hear from the same government about what it has done for Greece, about what its motives are, about its innocence of deliberate torture of political prisoners, and about the imminent Communist danger from which it saved Greece by seizing power last year? Are we not entitled to judge what we may not know by what we can and do know?

"We have been speaking tonight of liberty. Liberty is what we Americans do know something about. And when an American visitor, who respects both the truth and Greece, is confronted as we have been at such length, not only tonight but ever since our arrival in Athens, by the insistence that liberty is to be found in Greece today, he is obliged to dissent, if he presumes to speak at all.

"If what Greek citizens have now is what you mean by 'liberty,' then we should all reconsider what we mean by 'the free world.'" ["Dissent in Athens," *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 3–4; *Congressional Record*, vol. 115, pt. 13, p. 16878.]

The vote on Sept. 29, 1968, "for" the colonels' constitution was 92 per cent.

V

The Deputy Prime Minister of Greece, Stylianos Pattakos, advised me in September 1970 that I had no right as an American citizen to advise the American government about its policy toward Greece. He berated me in the most violent terms when I challenged his insistence that all I was entitled to do in America was to vote for officials who would then do what they deemed necessary, without any "interference" from citizens. Indeed, our exchanges in the course of this semipublic debate in Athens were such (especially after I indicated I needed no lessons in citizenship from an army officer who had, in order to advance himself, substituted tanks for ballots) that it seemed for awhile I would be expelled from Greece for the second time that month.

Whether I will ever be permitted to return (as a "foreign correspondent") to the Greece of the colonels remains to be seen.

VI

Fundamental issues with respect to the legitimate source of authority in a republic may be raised upon consideration of the proper relation between political and military policies. Thus, I observed in my article, "Swan Song of an Eagle: America in Greece," *Southwest Review*, 55 (1970): 105, 124–25 (reprinted, in part, in the *Congressional Record*, vol. 116, part 12, p. 16362):

"Even more serious for America than the deterioration of a valuable alliance between the United States and Greece is what our behavior with respect to Greece may reveal about how we conduct our affairs all over the world.

"If our political leaders, including our State Department experts, had a better idea of what they were doing, and were to insist upon their professional and constitutional prerogatives, our military people would be more likely to do their jobs properly. To some extent, the usurpation of political functions and judgments by military men may represent a sincere attempt on their part to take up the slack left by the incompetence, diffidence, or negligence of civilians. But our military are ill-equipped to make political judgments: in this they share the disabilities of the Greek colonels, who can seize and hold power but who do not really know what to do with it. Our military (if permitted to behave elsewhere as they have behaved, or as they seem to have behaved in Greece) can succeed only in undermining our traditional respect for them, that public trust and accompanying honor which most fittingly reward and sustain men who devote their lives to the defense of their country.

"Thus, we cannot be fair either to our military or to ourselves if we permit or require them to assume duties and make judgments for which they are not equipped. We are not realistic about the enduring sources of our influence and self-confidence as a republican people if we 'pragmatically' exclude from our calculations in our relations abroad considerations of either political integrity or human dignity."

It should be added, however, that our civilian leaders are ultimately to blame in Greece, as in Vietnam, for our failures.

VII

Does not the constitutional guarantee of protection to the states by the federal government against invasion and domestic violence relieve American state governments of the necessity of maintaining substantial armed forces and thereby make even more likely the success of republican government in each State (and hence in the United States as a whole)? Is not this arrangement equivalent to the "deep Ditch" that Gouverneur Morris saw as essential to the development and preservation of freedom in England. Thus, he records in his diary a Paris conversation with Lafayette (at the time of the French Revolution):

"I reiterate to him the necessity of restoring the nobility, at which of course he flinches and says that he should like two Chambers as in America. I tell him that an American Constitution will not do for this country and that two such Chambers would not answer where there is an hereditary executive. That every country must have a Constitution suited to its circumstances, and the State of France requires a (stronger) government than that of England. He starts at this with astonishment. I pray him to remark that England is surrounded by a deep Ditch and being only assailable by sea can permit many Things at Home which would not be safe in different situations. . . ." [Gouverneur Morris. *A Diary of the French Revolution*, ed. Beatrix C. Davenport (Boston: Houghton Mifflin Co., 1935), 2: 72.]

See, also, Aristotle, *Politics* 2.10 (on Crete); Montesquieu, *Spirit of the Law* 18.5; Tocqueville, *Democracy in America* (New York: Random House, Vintage Books, 1954), 1: 169; *Federalist* (New York: Random House, Modern Library, 1937), pp. 23, 45–47, 79, 97–98, 153–54, 203, 266 (parallel to atomic weapons?); Max Farrand ed., *Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1937), 1: 464–65.

My argument on the relation of federalism and freedom was dismissed by Lenin as a "prejudice which is very widespread, particularly among petty-bourgeois democrats." *Essential Works of Marxism*, ed. A. P. Mendel (New York: Bantam Books, 1961), p. 159.

It is evident in Morris's *Diary* that the English reliance upon the "deep Ditch" required an adequate navy, which in turn required the use of press gangs. Thus, press gangs and English freedom can be said to have gone hand in hand. Is the critical cost of American federalism that provincialism (affecting both education and administrative efficiency) which induces some to dismiss "states' rights" as "the first refuge of a reactionary"? Paul Samuelson, *Newsweek*, Feb. 13, 1967, p. 88.

I have elsewhere argued, in effect, that the North Atlantic Treaty Organization can be for Greece what the "deep Ditch" has been for England and what federalism is for us Americans:

"The political man knows that he must take into account the prejudices of his people. He takes account of prejudices both by changing them when he can and by conforming to them when he cannot change them. The [Greek] Army's, and to a lesser extent the [Greek] people's, fear about the present Communist threat to Greece has to be moderated. This, at least, can be altered, even though the memory and hence the effects of the fierce Communist atrocities of the Civil War (prepared for by the harshness of Metaxas and by the bestialities of the Germans and their collaborators) cannot be erased for generations. The Greek politician who seeks to contain politically the Greeks' blinding anti-Communism should exploit domestically the NATO assurances. That is, politicians of the Left should consider the advantages for them of them of the fact of such protection for Greece: properly explained, the NATO arrangement can be used to persuade Greeks that they are free to take domestic reconstruction far more seriously than any threat, foreign or domestic, from Communism." ["Retreat from Politics: Greece, 1967, "*Massachusetts Review*, 9 (1968): 83, 110–11 (reprinted, with corrections, in the *Congressional Record*, Apr. 2, 1969, vol. 115, p. E2632.)]

The critical cost to Greece of such assurances (which *should* permit the reduction of the disproportionately large Greek army) may be the prospect of further naive American meddling in the volatile maneuvers of Greek parliamentarians.

VIII

Misplaced confidence in the military is good for neither military officers themselves nor the country they wish to serve. Cf. Morton Orodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949), pp. 242–43:

"With the first announcement of prohibited areas [on the West Coast during the Second World War], Attorney-General Francis Biddle appointed Thomas C. Clark as coordinator of the Alien Enemy Control program for the Western Defense Command. . . . In [one] respect, Mr. Clark disappointed his colleagues in Washington. They hoped that the promulgation of prohibited and restricted areas would quiet the rising clamor for mass evacuation [of Japanese and Japanese-Americans from the West Coast]; one of Mr. Clark's first jobs, they thought, would be to reassure the population that the new program provided adequate protection and that sterner measures were unnecessary. Mr. Clark's method of carrying out this part of his mission was one of reassuring the people that the *military* authorities were talking, and would take, all necessary measures. . . . Mr. Clark's attitude was expressed most graphically after Army authorities had been given full authority but before evacuation policy had been set: "If the military authorities, in whom I have the utmost confidence, tell me it is necessary to remove from any area the citizens as well as the aliens of a certain nationality or of all nationalities I would say the best think to do would be to follow the advice of the doctor. Whenever you go to a doctor if he tells you to take aspirin you take aspirin. If he tells you to cut off your leg so you can save your body you cut off your leg. So I think it is up to the military authorities. . . .'"

I had occasion of 1968 (at the Greek government dinner in Athens referred to in Section IV, above) to comment on a similar argument made on behalf of the colonels:

"We have been told several times this evening [by government spokesmen] that Greek affairs of recent years required drastic medicine, that a doctor must sometimes prescribe harsh measures in order to save the life of the patient. But do we not all believe that an adult is entitled to select his own doctor, and to discharge him when he chooses? By what authority does the presiding doctor prescribe what is necessary for Greece? How can the Greeks be said to have selected him, when they did not even know who he was? What diploma does he have as a doctor? What proof of his qualifications is there aside from his self-serving testimony about himself? Certainly, we cannot accept as indicative of public approval of his regimen the fact that an unarmed people does not resist a determined government which is heavily armed." ["Dissent in Athens," *Notes on World Events* (Chicago Council on Foreign Relations), May 1969, pp. 1, 4 (reprinted in *Congressional Record*, vol. 115, pt. 13, p. 16878.]

IX

Are there not thoughtful men associated with the Joint Chiefs of Staff in Washington who realize that whatever expertise the military have, it does not equip them to make political judgments, perhaps not even general strategic judgments (for these are often vitally dependent on political judgments)? The military man as such may have the disability—and, indeed, may be good at his job partly because he has the disability—that President Kennedy thought particularly striking in Admiral Halsey: "Bull Halsey is the perfect man to send on a military operation. But he must never participate in the decision on whether or not to go." *Life*, July 10, 1970, p. 22A.

Illustrative of improper, and eventually

self-defeating, military influence with respect to political judgments by our government is the insistent and decisive role played by the Pentagon in determining our relations with Greece since the colonels took over in 1967. Thus, Senator Strom Thurmond introduced in Senate debate "an impressive document from the Department of Defense which clearly presents the vital need to maintain our aid to Greece." *Congressional Record*, vol. 116, pt. 16, p. 22011.) It is a remarkably shallow document, however influential it may have been in the Senate proceedings, a document which takes at face value everything the present Greek government claims. Even the people in our State Department, who were deluded for so long about the colonels' "intentions," now know better than that. (They know, for instance, that the colonel's government is regarded by many patriotic Greeks as "quisling." *Ibid.*, p. S13873 [Aug. 20, 1970].) Far healthier for the Republic are the spirit and standards reflected in the telegram sent by President Lincoln's Secretary of War to an eminently successful General Grant (Lincoln, *Complete Works*, ed. J. G. Nicolay and J. Hay [New York: Century Co., 1902], 2: 656):

"The President directs me to say that he wishes you to have no conference with General Lee unless it be for capitulation of General Lee's army, or on some minor or purely military matter. He instructs me to say that you are not to decide, discuss, or confer upon any political questions. Such questions the President holds in his own hands, and will submit them to no military conferences or conventions. Meanwhile you are to press to the utmost your military advantages."

COMMUNITY NEED BE DAMNED—THE INDUCTION OF URBAN PHYSICIANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BADILLO. Mr. Speaker, within the next few days we will witness the induction of a large number of young physicians into the Armed Forces. Most of these doctors will have recently completed their internships and intended to begin their residencies. While some may have been considering comfortable training and practice in private hospitals and suburban communities, may others had intended to continue working in urban, public hospitals and to continue providing urgently needed medical care and treatment to many persons unable to afford it. However, they are not being permitted to do so and large numbers of our urban poor and sick will have to fend for themselves.

At the Bronx Municipal Hospital Center in New York, for example, six resident physicians in medicine have been ordered to report for induction on July 1. These six physicians represent 35 percent of the resident physicians at the center. Their loss will result in a critical physician shortage of substantial detriment to the health care of a large number of my constituents in the Bronx.

A similar situation exists at the Harlem Hospital Center, an affiliated municipal hospital serving an area of approximately 400,000 persons in central Harlem, a community featured by desperate medical disadvantages.

Situations as I have just described exist in other urban public hospitals, both in New York City and elsewhere throughout the country. In Los Angeles County, Calif., the "doctor draft" will have the effect of reducing house staffs at certain hospitals by as much as 10 to 20 percent. Although there is a critical nationwide shortage of doctors, this desperate problem has apparently been ignored and once again we see the continuation of grossly distorted priorities. The administration has obviously chosen to disregard the fact that some 5,000 communities around the country are without doctors, that countless citizens will be deprived of the only available health care and the fact that many hospitals are forced to recruit foreign doctors in order to meet their needs.

As one urban medical director has noted, "In the complex setting of a municipal hospital, the delivery of medical care is heavily dependent upon house staff—interns and residents." Not only does the induction of interns and residents needlessly interrupt their medical training, but there is also the loss of their crucial services to the hospitals and communities. The loss of house officers may result in long-lasting staffing deficiencies as house officers are sought and hired during the fall of each year to begin on July 1. Thus, those residents and interns inducted next month simply cannot be replaced and health care and services will be cruelly denied to many of our constituents.

Mr. Speaker, the Selective Service System maintains that full consideration will be given to the doctor's community essentiality. In all candor, however, I have seen absolutely no evidence of this. Recently, for example, a young intern at the Montefiore Hospital and the Neighborhood Health Center in the South Bronx was classified I–A by his local board in Wisconsin, even though he had submitted a number of statements—including one from the Bronx borough president—attesting to his essentiality to that community. Countless similar examples can be offered to demonstrate that little or no concern is shown for the urgent need for health programs and personnel in our ghetto communities. Thus, even though many of my constituents and others living in urban poverty areas cannot afford the luxury of a private physician or clinic, their needs are callously disregraded.

The concept of community need or essentiality appears to be nothing more than a sham or cruel hoax and members of suburban draft boards seem to have little concern for the health crisis with which poverty-stricken urban dwellers are confronted. It is clear that the doctor draft will work a considerable hardship on our urban public medical facilities and the millions of persons served by them. It is equally clear that no action will be taken by the administration to halt this ill-conceived plan and to redirect its priorities. As a consequence, two community organizations in my district and two private citizens have instituted a class action suit against the Director of the Selective Service System and other selective service officials with a view toward enjoining the induction of two physicians at the Bronx Municipal Hospital Center.

Mr. Speaker, I do not believe that many of our colleagues are fully aware of the ramifications of the impending induction of over 1,500 physicians, a large number of whom have been working and studying in public hospitals and have been providing dedicated and effective health care to many indigent persons. In order that we may more fully understand this impending crisis and take appropriate action, I submit herewith, for inclusion in the RECORD, a memorandum supporting the class action suit against the Selective Service System; statements from the Society of Urban Physicians and a director of the New York City Health and Hospitals Corp., attesting to the critical need for these physicians; and, my recent exchange of correspondence with the New York City Medical Advisory Committee, including its wholly unacceptable reply. I urge that our colleagues give this situation their fullest and most careful attention and that steps be taken to avert the health-care crisis with which we will soon be faced if these interns and residents are drafted.

[U.S. District Court for the Southern District of New York]

MORRISANIA COMMUNITY CORP. ET AL., PLAINTIFFS, AGAINST CURTIS W. TARR, ET AL., DEFENDANTS

(Civ.)

MEMORANDUM OF LAW

This memorandum is respectfully submitted in support of Plaintiffs' request for the maintenance of this action as a class action, pursuant to the provisions of F.R. 23 (c) (1), in support of the maintenance of this action notwithstanding the provisions of 50 U.S.C.A. App. § 460(b) (3), and further in support of Plaintiffs' request for temporary and permanent injunctive and declaratory relief.

FACTS

Plaintiffs Morrisania Community Corp., Hunts Point Multi-Service Center Corp., Robert Garcia and Dennis Gardner in this action are representatives and residents of the community of the Bronx. This community is largely dependent for adequate health care upon the services of Jacobi Hospital, and any interruption of such services furnished by Jacobi Hospital causes irreparable harm to the people of the Jacobi area who have no other source of adequate health care.

Plaintiffs Marc Greenwald and Andrew Rosenblatt are physicians practicing medicine at Jacobi Hospital, which is affiliated with the Albert Einstein Medical College, at which they are full-time graduate students in medicine. They, and other physicians similarly situated, have received Orders to Report for Induction pursuant to Special Call No. 46 for Physicians, Osteopaths, and other medical personnel. Deferments within the Selective Service System are available for doctors who are determined by the Medical Advisory Committees to be essential to the health care of the communities in which they work. (See Exhibit "G" to the complaint.) It is not known how these determinations are made, but it is known that registrant-physicians are not permitted to appear before the Medical Advisory Committees or otherwise to submit evidence to such committees.

Pursuant to the apparently binding recom-

mendations of the Medical Advisory Committees, Selective Service has deferred some physicians and has refused to defer others. No standards are published or known to plaintiffs concerning the way in which decisions are made by the Medical Advisory Committees.

Plaintiff Marc Greenwald is currently in receipt of an order requiring him to report for induction on July 1, 1971, which order has been postponed "pending advice of the Medical Advisory Committee." (Exhibit "E").

Plaintiff Andrew Rosenblatt is currently in receipt of an order requiring him to report for induction. Plaintiff Rosenblatt was recently advised by his Local Board that the Medical Advisory Committee had determined that he was "non-essential" and that he should report for induction as ordered. (Exhibit "F").

Other physicians throughout the nation have been ordered for induction and have had their eligibility for induction determined by Medical Advisory Committees. No procedures are available to any physician-registrant to challenge the opaque findings of the Medical Advisory Committees, nor is there any way at all that the affected communities, dependent for their health care upon these physicians, can cause evidence to be submitted to the Medical Advisory Committees. For these groups, Medical Advisory Committee actions are totally unchallengable.

THIS ACTION IS APPROPRIATELY MAINTAINED AS A CLASS ACTION AND SHOULD BE GRANTED THAT STATUS

The class action device has been developed in part to facilitate the resolution of disputes where a large group of people exists and each member individually possesses a right common to all members of the group so that one adjudication concerning the nature of that right can be determinative for each member of the group. The court may, by this device, proceed to a decree where the interested parties are numerous to an extent which makes joinder by the normal rules impracticable or impossible. Class actions are further essential to prevent inconsistent judgments in areas where uniformity is required to insure efficiency and basic fairness.

The instant case is particularly suited to the class action procedure. It is clear that where government action is directly involved, access to basic rights, such as adequate health care, must be equally provided for all persons in the United States. The people of the Bronx Community, herein represented by plaintiffs Morrisania, Hunts Point, Garcia and Gardner, are entitled not to have their only access to adequate health care effectively terminated by government action based upon arbitrary determination of "essentiality" made by bodies to which those who speak on behalf of the community have no effective access. Each member of the Bronx Community served by Jacobi Hospital has an identical and equal right to adequate and proper health care and the people of that community cannot lawfully be deprived of adequate health care by government action which arbitrarily and effectively discriminates against their community. Such discrimination is exactly what has taken place in the instant case. The quotas of physicians to be inducted from various areas of the country are determined not by the Selective Service System but by the Medical Advisory Committees. Where some areas of the country are barely affected at all by the Physicians Draft, others, such as the area served by Jacobi Hospital, are threatened with the loss of up to one third of their residents in medicine. There is a clear and invidious discrimination being practiced against the people of the latter community.

50 U.S.C.A. App. § 454(j) requires that in allocating quotas of physicians to be inducted, it is the obligation of the Medical Advisory Committee to ". . . give appropriate consideration to the respective needs of the Armed Forces and of the civilian population. . . ." An allocation of quotas for induction which fails to make this evaluation and which reflects such a failure is arbitrary, capricious and unlawful. As such, it infringes the right of the people of the communities discriminated against to receive proper and adequate health care. This discrimination is against each and every individual in the community depending on a community service hospital such as Jacobi. The persons served by Jacobi Hospital number in the hundreds of thousands and it is accordingly impossible for their right to health care properly to be adjudicated except by means of a class action to protect that right.

It is also appropriate for plaintiffs Marc Greenwald and Andrew Rosenblatt to seek to maintain this action on behalf of a class of physicians being drafted through the use of an illegal procedure. The drafting of a young man is an infringement by the government of his liberty and property, and as such can only be accomplished if the requirements of due process are rigorously observed. The procedure employed by the Selective Service System and the Medical Advisory Committee for the determination of quotas of physicians to be drafted, and further for the determination and the availability for induction of any particular physician violates due process requirements. These decisions are reached without an opportunity for an affected physician to present evidence in his own behalf concerning his essentiality or to confront witnesses and rebut evidence in opposition to his contention that he is essential to the community. He is provided only with an opaque conclusory determination made by a body whose composition, procedures and rules are unknown. In what amounts to a Star Chamber proceeding, the course of a young doctor's life is drastically affected and irrevocably determined without his being afforded an opportunity to speak in his own behalf. There is no access for registrants to the Medical Advisory Committees and no opportunity for a registrant or the institution in which he practises or the community in which he serves to gain the ear of the Medical Advisory Committee involved in order to present the case for the registrant's essentiality for the health care of that community.

Such a procedure violates our basic concepts of procedural fairness under the rubric of due process. It must be considered to be essential to due process that a young man be given an opportunity to speak in his own behalf before two years are excised from his life. Each and every doctor whose conscription is determined by such a system is denied essential due process and this action is accordingly appropriately maintained as a class action, since the procedure employed by Selective Service has affected or threatens to affect every doctor subject to the Military Service Act of 1967. Such a procedure, if wrong for one, must be wrong for all.

50 U.S.C.A. APP. § 460 (B)(3) IS NOT A BAR TO THIS ACTION

In the event that defendants should argue that 50 U.S.C.A. App. § 460 (b)(3) ousts this court of jurisdiction, plaintiffs urge that such a result is not possible concerning Class A and should not be allowed concerning Class B.

It is academic that to deprive a court of its power to review all acts of an administrative agency, a statute must be clear and unambiguous. *St. Joseph Stockyards Co.* v. *United States,* 298 U.S. 38 (1936). The language of 50 U.S.C.A. App § 460 makes clear that this section is meant to refer only to challenge to Selective Service actions by registrants and not to challenges to Selective Service action by other interested parties. Plaintiffs Morrisania, Hunts Point, Robert Garcia and Dennis Gardner and the class they represent clearly cannot challenge the asserted legal actions of the Selective Service System either by way of *habeas corpus* or criminal defense. To read 50 U.S.C.A. App. § 460 (b)(3) to prohibit judicial review of the action of the Selective Service System at the behest of the members of Class A would be to preclude those persons from having any access whatever to judicial review. Thus read, the Statute must be unconstitutional and void under the Fifth Amendment. *Petersen* v. *Clark,* 285 F. Supp. 693 (N.D. Cal. 1968).

As to the members of Class B, and registrants in general, it is now well-settled law that pre-induction challenges to Selective Service action will be entertained by the courts where the action of Selective Service is blatantly lawless. *Oestereich* v. *Selective Service System,* 399 U.S. 233, 240 (1968); *Gutknecht* v. *United States,* 283 F. Supp. 945 (D.Minn. 1968), *aff'd.* 406 F.2d 494 (8th Circuit 1969), *rev'd.,* 396 U.S. 882 (1970); *Breen* v. *Selective Service System Local Board No. 16,* 284 F. Supp. 749 (D. Conn. 1968), *aff'd.,* 406 F.2d 636 (2d Circuit 1969), *rev'd.,* 396 U.S. 360 (1970); *Wolff* v. *Selective Service System Local Board No. 3,* 372 F.2d 817 (2d Circuit 1967). The actions here in question are so clearly without the scope of the Fifth Amendment and of § 454(j) as to constitute such blatantly lawless action as will give this court pre-induction jurisdiction.

The Statute requires that the court retain jurisdiction. A reading of 50 U.S.C.A. App. § 460(b)(3) depriving the court of jurisdiction as to either class here involved would render § 460(b)(3) offensive to the constitution and valid.

PRELIMINARY INJUNCTIVE RELIEF IS JUSTIFIED—PLAINTIFFS WILL SUFFER IRREPARABLE INJURY FROM THE ENFORCEMENT OF THE INDUCTION ORDERS NOW OUTSTANDING

The Community dependent upon Jacobi Hospital for virtually all of its medical care is immediately threatened by defendants' attempt illegally to induct members of Class B. Few greater harms can befall an urban, overcrowded, largely economically disadvantaged community than to have its primary source of health care removed or effectively crippled. Defendants threaten to remove nearly one-third of the residents in medicine serving the Jacobi area. The harm resulting to the community from this action cannot be measured and cannot be avoided in any way other than to retain members of Class B in the community performing their duties.

The members of Class B threatened with illegal induction are also in danger of suffering irreparable injury. Jobs must be abandoned, patients neglected, professional responsibilities untended; homes are uprooted and families dislocated. The harm is real; it is immediate; and it cannot be remedied other than by this court's order that the members of Class B thus illegally threatened with induction be protected by the issuance of a preliminary injunction pending the determination of this action.

CONCLUSION

For the reasons above stated this court should declare this action to be maintainable as a class action on behalf of both classes hereinbefore described. The rights sought to be protected herein cannot be so protected except by the issuance of a preliminary injunction as prayed for in the complaint. This action should not be held to be barred by Section 460(b)(3).

Dated: New York, June 8, 1971.

Respectfully submitted.

JEREMIAH GUTMAN.
DONALD L. DOERNBERG.

Levy, Gutman, Goldberg & Kaplan, Attorneys for Plaintiffs. Office and P.O. Address: 363 Seventh Avenue, New York, New York 10001.

THE SOCIETY OF URBAN PHYSICIANS,
New York, N.Y., April 16, 1971.

Congressman HERMAN BADILLO,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: The delivery of care in New York City's Municipal Hospitals is heavily dependent upon supervised house staff (interns & residents). In addition, it is hoped that the training of these young physicians will eventually lead to the choice of New York as their area of professional activity following the years of internship and residency. The Municipal Hospitals are currently faced with the prospect that the current selective service call for physicians may create a serious deficit in the number of house officers in key hospital services.

The loss of house officers may leave long lasting hospital staffing deficiencies. House officers are sought and hired during the winter of each year. House officers cannot be replaced at least until the following July. In cases involving the loss of a house officer late in the academic year there may be considerable difficulty in filling the position for as long as 18 months.

House officers come from varied areas thoughout the country. The local quota considerations of draft boards may not take into account the needs of a far removed hospital and community. We are in need of focal attention for the specific physician needs of the New York City area. We ask your help in bringing the situation to the attention of the Office of Selective Service.

Sincerely,
GERALD E. THOMSON, M.D.,
Harlem Hospital Center.

NEW YORK CITY,
HEALTH AND HOSPITALS CORP.,
New York, N.Y., April 20, 1971.

Col. BENTLEY COURTENAY,
Madison, Wis.

DEAR COLONEL COURTENAY: I am a member of the Board of Directors, New York City Health and Hospitals Corporation. This public benefit corporation was established by the State of New York and is responsible for the management of the eighteen municipal hospitals in the City of New York. We are primarily concerned in our hospitals with the care of the poor and the indigent who are unable to obtain medical care elsewhere. Unlike the usual voluntary or community hospitals, our hospitals are staffed almost exclusively by our house officers; that is, our interns and residents. They provide the primary care for our patients.

I am therefore writing you this letter with regard to the above named physician, who, I understand, has received notice of induction. He is currently on our staff as an intern providing excellent care to the patients at Harlem Hospital. He has been appointed a first year resident which will increase his responsibility as of July 1st to care for more patients and also to train the interns who will be coming on board as of July 1st. His position is such that he will have great responsibility for many thousands of patients during the course of the year. Because of this late date, it will be impossible for us to find a replacement for Dr. ———, and his loss would be such that there would be no doubt that many patients would suffer.

I can not stress the importance of Dr. —— to the delivery of health care at Harlem Hospital. At best we are severely understaffed at all our hospitals and Harlem is one of the most understaffed. It is only through the long hours and devotion of men like Dr. —— that the sick poor are cared for with any degree of modern medical concern. His loss to us would indeed inflict an undue hardship upon many patients for whom he is the responsible physician. I urge you to consider these factors and appeal to you on behalf of the Hospital and the Corporation for your assistance in this matter.

If I can be of any further service, do not hesitate to contact me. Thank you for your considerations.

Very truly yours,
EDMUND ROTHSCHILD,
Director, New York City Health and Hospitals Corp.

MAY 26, 1971.

Dr. GURNEY TAYLOR,
Medical Advisory Committee to the Selective Service System, New York, N.Y.

DEAR DR. TAYLOR: I am writing to express my deep, personal concern over the impending induction of a large number of young physicians who are currently serving in our urban hospitals.

For example, six young physicians working at the Bronx Municipal Hospital Center are to be inducted on July 1. These six doctors represent 35 per cent of the resident physicians and it will be virtually impossible to replace them. Although the Harlem Hospital Center is critically understaffed, young interns and residents there are scheduled to be inducted. Similar situations exist in many other city hospitals.

As a consequence of this disastrous situation, a very large percentage of my constituents, as well as other citizens of New York City, will suffer from severely reduced medical care or, in some instances, the total absence of such care. They simply cannot afford to secure medical assistance from private sources and must depend on these public facilities.

In view of the fact that you and the other members of the Medical Advisory Committee determine "community essentiality", I urge that you give this current situation your fullest, most careful and sympathetic consideration. Our community cannot afford to lose these doctors and serious disruptions in medical care will occur if they are precipitously inducted. There is certainly no question that the doctors in our public hospitals are working in the public interest and are essential to the community. It is only through the long hours and devotion of these young doctors that the sick poor are cared for with any degree of modern medical concern.

Sincerely,
HERMAN BADILLO,
Member of Congress.

NEW YORK CITY ADVISORY COMMITTEE OF THE NATIONAL ADVISORY COMMITTEE TO THE SELECTIVE SERVICE SYSTEM,
New York, N.Y., June 8, 1971.

Hon. HERMAN BADILLO,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR SIR: In reply to your letter of May 26, 1971, I can assure you that this Committee will always evaluate each registrant and his responsibilities very carefully before making a recommendation.

Thank you for your interest in this very important problem.

Sincerely yours,
GURNEY TAYLOR, M.D.,
Chairman.

NATIONAL DEFENSE PETROLEUM RESERVE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CONTE. Mr. Speaker, my distinguished colleague from Massachusetts, MICHAEL HARRINGTON and I, along with 42 other House Members, are today introducing legislation to create a National Defense Petroleum Reserve—NDPR—to provide a realistic and economic alternative to the costly and discredited oil import quota system.

It is high time we ended present oil import quotas which cost U.S. consumers nearly $6½ billion annually and which do not help, but, in fact, threaten our national security by the more rapid depletion of our limited oil reserves.

Under this bill, the President would be required to set aside Federal land with enough petroleum-producing capacity to protect the United States against a 1-year continuous interruption of oil imports from all those noncontiguous countries—excluding, therefore, Canada and Mexico—which he determines to be insecure. Wells would be drilled, gathering capacity installed, and all other necessary steps taken, so that, should these imports be halted, all we would have to do is turn a valve to replace the foreign oil. For the information of my colleagues, I am including at the end of my remarks a copy of the NDPR bill and a list of its cosponsors.

The bill is based on the recommendations of a recent study by two noted petroleum economists, Dr. Walter J. Mead of the University of California at Santa Barbara, and Dr. Philip E. Sorenson of Florida State University, which appeared in the CONGRESSIONAL RECORD for May 10, 1971, page 14085. After studying various alternatives to the quotas. I am convinced that a national defense petroleum reserve is the soundest, most economical method of safeguarding our national security in an adequate supply of oil. Its adoption would automatically obviate the need for quotas as soon as NDPR becomes operational. Moreover, this is a constructive response to our critical energy supply problem which the President recognized in his recent message to the Congress. Oil is now 40 percent of the Nation's energy.

This legislation reflects a true concern for the national security by encouraging more imports, but, at the same time, assuring we will not be at the mercy of any foreign supplier. And by insuring that we have enough reserves to protect us during an extended cutoff of foreign supplies, it would provide us with the best deterrent against the kind of tactics recently employed by the Persian Gulf governments to extract higher prices.

The list of cosponsors and bill follows:

LIST OF COSPONSORS OF THE CONTE-HARRINGTON BILL TO ESTABLISH A NATIONAL DEFENSE PETROLEUM RESERVE

Mr. Aspin.
Mr. Addabbo.
Mr. Badillo.
Mr. Biaggi.
Mr. Bingham.
Mr. Boland.
Mr. Burke of Massachusetts.
Mrs. Chisholm.
Mr. Cleveland.
Mr. Cotter.
Mr. Donohue.
Mr. Drinan.
Mr. Dulski.
Mr. Edwards of California.
Mr. Frelinghuysen.

Mr. Grasso.
Mr. Halpern.
Mr. Hawkins.
Mrs. Heckler of Massachusetts.
Mr. Helstoski.
Mr. Hicks of Massachusetts.
Mr. Horton.
Mr. Howard.
Mr. Jacobs.
Mr. Keith.
Mr. McKinney.
Mr. Macdonald of Massachusetts.
Mr. Matsunaga.
Mr. Mitchell.
Mr. Morse.
Mr. O'Neill of Massachusetts.
Mr. Rees.
Mr. Riegle.
Mr. Roybal.
Mr. Ruppe.
Mr. St Germain.
Mr. Stafford.
Mr. Steele.
Mr. Stokes.
Mr. Tiernan.
Mr. Vanik.
Mr. Wyman.

H.R. —

A bill to amend the Defense Production Act of 1950 to establish national defense petroleum reserves

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end thereof the following new section:

"NATIONAL DEFENSE PETROLEUM RESERVES

"SEC. 720. (a) The President shall establish and maintain on the public lands of the United States, national defense petroleum reserves which shall have a petroleum-producing capacity sufficient to protect the United States against a continuous one-year interruption of the importation of petroleum from those foreign countries not contiguous to the United States which the President determines to be insecure sources. To carry out the provisions of this subsection, the President is authorized to enter into contracts and other agreements. For the purpose of this subsection the term 'public lands of the United States' means all lands to which the United States has title on the date of enactment of this section, including public lands, acquired lands, submerged lands, and lands within the area comprising the outer continental shelf (as defined in the Outer Continental Shelf Lands Act).

"(b) To the extent he deems it necessary or appropriate, the President may treat existing petroleum reserves established and maintained under other laws of the United States as part of the national petroleum reserves, and for this purpose, the President is authorized to acquire by purchase lands or increase the capacity of such existing ing petroleum reserves and to enter into contracts or other agreements in order to protect or increase the capacity of such existing petroleum reserves.

"(c) Nothing in this section shall be construed to require or authorize—

"(1) the cancellation or termination of any existing lease; or

"(2) the taking or use of any lands which are, on the date of enactment of this section, within the National Parks system or which are, on that date, parts of national forests, national seashores, game refuges, or any other lands which have been otherwise set aside for purposes of recreation, conservation, or public use.

"(d) Within 30 days after the close of each quarter, the President shall submit to the Joint Committee on Defense Production a report of the petroleum-producing capacity in the reserves maintained under this section during such quarter.

"(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

(b) Section 717(a) of such Act is amended by striking out "(except sections 714 and 719)" and inserting in lieu thereof "(except sections 714, 719, and 720)".

KETCHIKAN SALMON DERBY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. BEGICH. Mr. Speaker, I would like to bring a recent event to your attention that I believe describes and typifies many of the people who live in Alaska.

This incident has set an example for the community as a whole and since it was not an isolated incident, brings to the forefront the spirit and sportmanship displayed in our community during the Ketchikan King Salmon Derby.

Several times a year the Ketchikan Chamber of Commerce sponsors the Ketchikan Salmon Derby which brings fishermen from all over the world to this great fishing area. As the included article notes, Mrs. Walt Northrup caught a larger fish than anyone in the derby, but due to rather unusual circumstances, refused to even attempt to enter the fish into the contest. As Mr. Northrup, who is president of the Ketchikan Local of the Association of Western Pulp and Paper Workers said that the area in which they were fishing was an isolated one and there were no witnesses to the catch. They could easily have entered it for what would have been the top fish. Mrs. Northrup is a very avid fisherman and has won the top spot in the last three of four special derbies.

I believe that this type of sportmanship is most admirable and I include in the RECORD, the story as it appeared in one of Alaska's most distinguished newspapers, the Ketchikan Daily News:

SMEDLEY PULLS TOP FISH OUT OF DERBY

Dr. Dennis Smedley, who was the apparent winner of an $8,500 cruiser in Ketchikan King Salmon Derby's special derby days, disqualified himself Tuesday. According to salmon derby chairman Shirley White, Smedley advised the derby committee that he learned another fisherman in his boat did not have a derby ticket when Smedley caught his 50-pound, eight-ounce king salmon. According to derby rules, all persons fishing from a boat with a derby entrant must have a derby ticket.

Smedley's disclosure moved Eldred Tisserand up to the top spot with a 44–8 fish caught in the first weekend of the special derby days which ran May 29–31 and June 5–6.

The derby committee met last night to check and verify results of the derby.

Smedley's fish was the second big one caught, but not qualifying for a prize. Sunday, Mrs. Walt Northrup caught a 54-pound king, but she did not enter the fish in the derby because it was attached to another line and pole. Mrs. Northrup snagged the line with the fish on it and reeled it in.

Northrups have offered to return the pole and line to whoever lost them if they can identify them and give the sad story on how they and the biggest fish hooked during derby days were lost. The Daily News was unable to determine today if the pole had been claimed.

"I do not know a more honest man than Dr. Smedley, and if the Salmon Derby Committee could award a prize for true sportsmanship, Dr. Smedley would be the champ," stated Mrs. White. "The committee can only applaud his integrity."

Tisserand, with a 44 pound 8 ounce king is the winner of the first prize of a 21-foot Fiberform San Juan Cruiser, donated by the salmon derby committee and a Ross depth finder, donated by Nordby Supply Company.

Other winners were:

Tom Hogan, 42 lb. 06 oz.; William Taylor, 41 lb. 04 oz.; Al Berry, 39 lb.; Elvin Elkins, 38 lb. 04 oz.; Nancy Berry, 37 lb. 15 oz.; Harold Carpenter, 36 lb. 09 oz.; Fay Freeman, 36 lb. 09 oz.; Estelle Thompson, 34 lb. 13 oz.; William Kushnick, 34 lb.; William Weston, 34 lb.;

Charley Diamond, 33 lb. 13 oz.; Svarre Hazelquist, 33 lb. 12 oz.; Terry Anderson, 33 lb. 07 oz.; Paul McGarrigan, 33 lb. 05 oz.; Mike Ciarochi, 33 lb. 03 oz.; Maxine Doyle, 33 lb.; Marilyn Groves, 32 lb. 03 oz.; Dorothy Lawrence, 31 lb. 11 oz.;

Stan Moberly, 31 lb. 04 oz.; Allene Tisserand, 31 lb. 04 oz.; Tony Guymon, 31 lb. 02 oz.; Bill Schofield, 30 lb. 15 oz.; Rose Northrup, 30 lb. 11 oz.; Gilbert Ruscher, 30 lb. 10 oz.; Pete Ruaro Jr., 30 lb. 07 oz.; Kenneth Perry, 30 lb. 03 oz.;

Isabel Mathias, 30 lb.; Gordon Adams, 29 lb. 14 oz.; Ernie Smeltzer, 29 lb. 12 oz.; Paul Brozena, 29 lb. 11 oz.; Harold Howard Jr., 29 lb. 08 oz.; Don Miller, 29 lb. 04 oz.; Art Williams Jr., 29 lb. 15 oz.; Agnes Chalker, 28 lb. 10 oz.;

Norman Hundwin, 28 lb. 10 oz.; Bill Oliver, 28 lb. 08 oz.; Linden Cox, 28 lb. 04 oz.; James Martin, 28 lb. 04 oz.; Mary Hill, 28 lb. 04 oz.; Gene Maneman, 28 lb.; Doris Taylor, 27 lb. 13 oz.

Special bonus prizes were awarded in addition to the regular prizes. Winners were:

For the first salmon entered each day, May 29, Donald Hartwig; May 30, Duane Burnet; May 31, Jack Wilson; June 5, Jess Kiffer; June 6, Diana Tisserand.

For the first salmon entered each day over 25 pounds, May 29, Isabel Mathias; May 30, Dick Johnson; May 31, Muriel George; June 5, Andrew Frantz; June 6, Bill Schofield.

For the first king salmon entered opening day over 30 pounds, Maxine Doyle.

For the largest king salmon caught on Luhr Jensen lure, Donald Miller, 29 lb. 04. oz.

For the largest halibut entered Ray Packard, 115 lb. 12 oz.

For the most king salmon entered first weekend, Duane Burnet.

For the most king salmon entered second weekend, Doris Taylor, three.

For the highest total poundage halibut entered both weekends, Ray Packard, 115 lb. 12 oz.

None of the 159 entries matched the four random weights which were held in a bank vault. As a result the eight Penn 49 reels with a total value of $240 will be held over for future promotion.

CHOU EN-LAI SPREADS PROPAGANDA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. CRANE. Mr. Speaker, the current effort at "reconciliation" with Communist China has many of the earmarks of former campaigns by Communist

leaders to make themselves appear to those in the West as something other than what they really are.

Thus, although Communist China pursues its policy of stimulating revolutions through Asia, supplying guerrillas in such countries as Thailand, Burma, and the Philippines as well as in Vietnam, Laos, and Cambodia, its leaders attempt to impress foreign visitors with the fact that China is really a lover of peace, and that its international isolation is a result of America's imperialistic policies.

The Chinese seek far more than American recognition, admission to the United Nations, or increased trade. They seek total control over Taiwan, the expulsion of the Nationalist Chinese from the United Nations, and the elimination of American power and influence in Asia. It is clear that they seek a relationship to Asia analogous to that which the Soviet Union has with regard to Eastern Europe.

In order to spread this false idea that the Communist government in China is neither aggressive nor imperialistic, Premier Chou En-lai and other leaders are conducting a campaign of indoctrination toward the American people, using those few "friendly" Americans who are permitted into China as convenient vehicles.

Columnist Holmes Alexander, in a recent article in Human Events, describes such an attempt to brainwash two American college professors. He laments at this time:

> Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China . . . Ping-pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

Hopefully, our commitment to the people of Taiwan and the honor of America's obligations will not be tarnished. Hopefully, this administration will not permit itself to be indoctrinated as the professors described by Mr. Alexander allegedly did.

I wish to share this article with my colleagues, and insert it in the RECORD at this time:

USES AMERICAN PROFESSORS: HOW CHOU EN-LAI SPREADS HIS PROPAGANDA

(By Holmes Alexander)

By now, if not before, Premier Chou En-lai's table tennis diplomacy can be seen for what it is. He had two anti-war professors from the United States with him for more than two hours, and a week later Chou's Communist line was writhing through a front page story in several of our newspapers.

It would be hard for the city slicker from Peking to find a more effective way of duping gullible Americans into believing what he desires them to. His two visitors were Profs. Arthur Galston (Yale) and Ethan Signer (MIT). They are biologists, and must be presumed to know more about the science of living matter than the science of international politics. Galston and Signer are identified as being anti-war, and they had spent 17 days in Hanoi before giving 15 days to visiting Peking, Shanghai and Canton. Their outlook, and no doubt their credientials, were far more satisfactory to the Red governments of North Viet Nam and China than to the government of their own country. Chou had himself a couple of patsies who were intellectually-defenseless against his propaganda.

Mainland China stands—or should stand—with American officialdom about where Soviet Russia stood just after World War I. The analogy is useful. The Russian Revolution caused an abortive intervention by American troops, and the Chinese overthrow of its Nationalist leaders caused the relatively bloodless expulsion of American persons and interests.

During the pre-Roosevelt era when we didn't recognize Communist Russia, a few Americans were allowed into the Soviet Union, and one of them became a tireless huckster of Soviet-American "friendship." He was and is Cyrus Eaton, founder of the Pugwash Conferences, a apologist for Stalin and Khrushchev.

The recent death of Sen. Thomas Dodd (D.-Conn.) reminds me that Eaton wrote to every Democratic senator around November 1958, asking for opposition to Eisenhower's nomination of Lewis Strauss as Secretary of Commerce.

Eaton disliked Strauss, who had been in Russia on a relief mission with Herbert Hoover, and there was a tinge of anti-Semitism in the man's relationship. This angered Dodd, a Catholic, who answered Eaton by saying that he'd never met Strauss but would now vote for his confirmation out of sympathy.

The anecdote is not quite pointless; it shows that Eaton, the special pleader for Moscow, was thoroughgoing in behalf of his foreign client. If the analogy holds up, the many special pleaders for Red China will show the same diligence. As they pass through Peking and return to this country in the months and years ahead. Chou will have acquired a host to speak for him, whereas Stalin in the main had only Eaton.

Already, with Galston and Signer bringing home their interview, Chou has a pair of sympathetic spokesmen. The message from Peking was that we will never achieve the bridge of government-to-government relationships until we connive at betraying the Nationalist government on Taiwan.

Chou referred to that island as China's "29th province," whereas it is more like an anti-Communist enclave on the order of West Berlin, a haven that is protected by American arms and pledges.

It is not hard to see why Chou would like to brainwash a large segment of Americans, causing them to look at Taiwan from his viewpoint. Already some brainwashing is in evidence. President Nixon now politely calls Chou's country the People's Democratic Republic of China, the name preferred by Chou, of course. A metropolitan newspaper in this town recently decided to leave off the identifying adjectives of Red and Communist when referring to the Peking regime. Chou's preference, again.

Ping Pong diplomacy is the kind which turns too many Americans into appeasers and sycophants, and it's all a bloody shame.

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. DEVINE. Mr. Speaker, Walt Siefert of the College of Journalism at the Ohio State University recently wrote a letter to the editor, which appeared in the June 5 Columbus, Ohio Dispatch relative to the conservative majority on the campus and the need to "speak up."

Since most university professors are either vocal liberals or strangely silent, I thought it would be refreshing to share the views of a professor that does not wish to march down the road to socialism.

The letter follows:

CONSERVATIVE MAJORITY ON CAMPUS URGED TO END ITS LONG SILENCE

TO THE EDITOR: In 1930 I arrived at Kent State, wide-eyed and innocent, a true-believer in God and Man. Within six months a group of faculty Fagins had converted me into a raving radical, who shouted God is dead and the establishment doomed.

Not much has changed in academe since then. Most effective activists still lean to the left. Ohio State's late "Alternatives Committee," which had liberal solutions to everything, used to publish the names of its 150 members in the Lantern. Our conservative faculty activists could meet anytime in a telephone booth.

It's much the same with student bodies. Young liberals (or radicilibs) control most student governments for the simple reason that they act to support their beliefs.

Campus liberals do their homework well. They constantly plot, meet, write, speak, campaign and elect—exerting power far beyond their numbers.

Campus conservatives have no clout. Though actually the majority (as proved by Ohio State University Poll results), they sit in the grandstands of life and let the liberals run with the ball.

I admire campus liberals. I do not admire campus conservatives, who expect to ride the freedom train forever without paying a fare. They do not plot, meet, write, speak, or elect anyone. They seem to think democracy is a spectator sport.

Now this traditional slanting of academe would be fine if colleges and universities were unilaterally autonomous. They aren't, however, and the ivied walls keep cracking from coast to coast.

The April OSU Alumni Monthly was devoted to this single question: "Are Americans losing faith in their colleges?" The answer was largely yes.

McGeorge Bundy, liberal president of the Ford Foundation, recently predicted that society will not forever support parasitic appendages that seem dedicated to destroy it.

Columnist Malcolm Muggeridge sees danger in the fact that most effective communicators (on campus and in the mass media) have "an anarchic, death-wishing temperament, with its built-in passion to be on the losing side."

Be this as it may, no one can deny that academe now lives in a goldfish bowl. In state after state the people and their legislatures are up in arms, scaling the ivory towers to squint inside. Waves of campus chaos have washed this ultimatum onto the academic beach: "Heal thyself or else!"

The answer, it seems to me, is for the academy to start presenting both sides of the American dream. As the liberals keep telling us, we still have lots of unfinished business, lots of poverty and injustice. But the big news about this nation is that we have less poverty and injustice than any other ever known. The old intellectual discipline of perspective should compel us to emphasize this truth.

Most perceptive students and alumni can recall at least a dozen professors who preached and practiced the liberal line. Few can name even one conservative.

If academe is to regain credibility, its long-silent majority of faculty and students must get into the act and end domination by the small, dedicated minorities who work to win. Then, perhaps, we shall be spared the spectacle of "student leaders" elected by less than 5 per cent.

As America nears its 200th birthday it stands alone in human history, with more freedom, food, clothes and shelter than the average family has ever known.

Somebody, somehow, must have done something rather right in this land.

I think it's time to tell that story.

WALT SEIFERT.

GUN CONTROL—ONE MAN'S STEP TOWARD SANITY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 17, 1971

Mr. MIKVA. Mr. Speaker, the distinguished dean of the House and chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), has recently introduced a comprehensive bill designed to cut the arms race which today rampages in the streets of America.

Opposition to such legislation is based primarily on emotional reluctance to yield up the romantic image of the American frontier. But rationality demands that we adjust to modern civilization and recognizing that the "Wild West" was not a model for law and order then or now. Guns represent a real threat to the security of us all.

A poignant letter appeared in the Christian Science Monitor of June 11, 1971. It was written by a former policeman who used to be adamantly opposed to gun control. His letter explaining why he has changed his mind demonstrates an openmindedness which many of us in the Congress would do well to emulate.

The letter follows:

HANDGUNS

Your recent editorial urging the outlawing of handguns and the registration of other types was of great interest and compelling impact.

I seriously doubt if anyone has ever been more adamantly opposed to the gun registration efforts than I. As an avid hunter and former police officer, to whom the handling of guns was a common everyday experience, the constitutional right of the citizenry to bear arms was one which I staunchly supported. But, there comes a time . . .

After serious thought, I have reached the cogent conclusion that it is high time the citizens of this country outgrow their adolescent penchant for playing "cops 'n robbers," or "cowboys 'n Indians," and their preoccupation with violence, and proclivity for taking the lives of helpless animals, and begin expressing the maturity and humanity which this period of history and development demands of intelligent, civilized peoples.

If the private, virtually unrestricted ownership of guns is allowed to continue, this Nation will face a threat from within, far more serious than any it has ever faced from without. It will become a "whited sepulcher, full of uncleanness," like the man who is so heavily armed he becomes a shell of armor containing nothing worthy of protection, but a mere container for combustibles ready to explode.

And, while the ownership of handguns should be restricted to the military and law enforcement agencies, and all others registered, this is not enough. Legislation must be enacted and *enforced*, which would greatly increase the penalty for a crime committed with any weapon. For this too is a necessary component in the fight to obliterate violence in our land.

There will be many who will hesitate, as did I, to take this step, but it must be taken. It has been said, "a journey of a thousand miles begins with but a single step." The time is here when we must fearlessly step forth and break trail in this direction. As we do so, we will see the path widen into a highway of progress toward the safety of all men. And, should we look back a short time hence, we'll find ourselves exclaiming incredulously, "What took us so long?"

WILLIAM W. BLANKS.

LOS ANGELES.

HOUSE OF REPRESENTATIVES—*Friday, June 18, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Depart from evil and do good: Seek peace and pursue it.—Psalm 34: 14.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, we bow our heads and open our hearts as we stand in Thy presence.

"We need Thee every hour:
Stay Thou near by:
Temptations lose their power
When Thou are nigh."

As we pray, may Thy spirit take possession of our minds and hearts, leading us to genuine solutions for the problems that face us both as individuals and as a nation. May ill will, injustice, and hostility come to an end, and may good will, justice, and peace arise to new life in us and in our world.

In the manner and manners of the Master of Men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. RES. 617. Joint resolution to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who suffered damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

U.S. CONFERENCE OF MAYORS URGES THE PRESIDENT TO SIGN THE ACCELERATED PUBLIC WORKS LEGISLATION

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McFALL. Mr. Speaker, during the debate last Tuesday on the accelerated public works legislation, S. 575, my floor statement was not complete and did not include a list of witnesses heard by the Public Works Committee when the legislation was identified as H.R. 5376. This list was inadvertently omitted but did appear in the June 16 issue of the CONGRESSIONAL RECORD in the Extensions of Remarks section.

Last Wednesday, the U.S. Conference of Mayors, assembled in Philadelphia, urged the President to sign the accelerated public works legislation now on his desk for signature. I am glad to include at this point of the RECORD a copy of the U.S. Conference of Mayors' resolution:

ACCELERATED PUBLIC WORKS LEGISLATION

Whereas, unemployment is at its highest levels in nearly a decade; and

Whereas, because of the local financial crisis many cities are unable to construct urgently needed public works facilities; and

Whereas, the Congress has passed the Accelerated Public Works Act to provide $2 billion to aid local localities in areas of high unemployment construct needed public works facilities; and

Whereas, the Accelerated Public Works Act in combination with the public service employment legislation will aid significantly in solving unemployment problems and upgrading the quality of municipal services. now, therefore, be it

Resolved, That the United States Conference of Mayors urges the President to sign the Accelerated Public Works Act; and be it further

Resolved, That the Conference urges the Administration and the Congress to appropriate and commit to local projects the full $2 billion in assistance authorized in the Accelerated Public Works Act.

FREEDOM OF THE PRESS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, when I offered my cosponsorship to the newsmen's privilege bill of 1971, H.R. 9027, I noted that the better part of my adult life has been spent in the pursuit of law and journalism.

I am, therefore, especially sensitive to any encroachment on the freedom of the press, which I consider vital to a free society. The Government cannot tamper with the freedom of the press without tampering with the right of the public to information essential for the operation of a democratic society.

Without touching here on the complex historical and legal consideration in-